

Article 4

Zoning Districts and Allowable Uses

§4.1 Zoning Map

§ 4.1.1 Zoning Map

A. General

The Article establishes the zoning districts applied to property within the Town and adopts the Official Zoning Map.

B. Zoning Map Adopted by Reference

1. An Official Zoning Map which shall be kept on file in the Town offices is hereby incorporated by reference into this Ordinance as if it were included here. It shall be identified by the signature of the Mayor and shall bear the seal of the Town.
2. The Zoning Administrator shall keep current official Critical Area Overlay District Maps in the Town Office, making such maps available upon request of any person.

C. Rules for Interpretation of Boundaries

Where uncertainty exists as to the boundaries of zones as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Town limits shall be construed following Town limits.
4. Boundaries indicated as parallel to or extensions of features indicated in subsections A through C above shall be so construed. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.
5. Where a lot is divided by one or more zone boundary lines, each of said divisions of the lot shall be subject to the regulations of the district in which it is located.

6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Appeals shall interpret the district boundaries.

D. Replacement of Official Zoning Map

1. In the event that the Official Zoning Map becomes damaged, destroyed, lost or becomes difficult to interpret because of the nature of number of changes and additions, the Town Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
2. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map and may incorporate validly enacted amendments, but no such correction shall itself have the effect of amending the original zoning ordinance or any subsequent amendment thereof.
3. The Planning Commission shall certify as to the accuracy of the new Official Zoning Map prior to its adoption by the Town Council.

§ 4.1.2 Zoning of Annexed Lands

When lands are proposed for annexation to the Town, the Planning Commission, concurrently with the annexation proceedings, shall propose district boundaries for the new lands. Upon adoption of the resolution for annexation, the Town Council shall amend this Ordinance to zone the new lands with the effective date of amendment to be that of annexation.

§ 4.2 Districts and Allowable Uses

§ 4.2.1 Town Divided into Zoning Districts

A. Districting to Implement the Comprehensive Plan

The Town of Chesapeake City shall be divided into zoning district for the purpose of implementing the adopted Comprehensive Plan. The districts shall be shown on the Official Zoning Map.

B. Purposes of Zoning Districts

The purposes of the individual zoning districts and the manner in which they are to be applied are as follows:

1. Traditional Neighborhood Development: The Traditional Neighborhood Development (TND) district is applied to both areas of the Town intended to be maintained as residential neighborhoods and to areas which may develop in the future as residential neighborhoods. The district regulations are intended to promote and sustain healthy, stable, and harmonious residential neighborhoods, reflective of the pattern of street and lot layout and development traditional to Chesapeake City.
2. Village Center: The Village Center (V-1) district is applied to the mixed-use historic center of Chesapeake City and applied to areas intended to be developed with a similar pattern and character. The district regulation are intended to promote consistency in architecture and town design, a broad mixture of compatible land use types arranged on smaller lots in a way that fosters efficient use of land, a walkable community, and compatible architecture in a predominantly residential neighborhood.
3. Village Commercial: The Village Commercial (V-2) district is applied to areas of the Town to promote the efficient and harmonious development of commercial land uses while accommodating higher density residential developments located within walking distance of shopping, employment, and recreational activities.
4. General Commercial: The General Commercial district (GC) is applied to areas of the Town to accommodate expansion of a broad variety of commercial uses that may benefit from orientation to the highway and to promote an arrangement of such uses that protects the safety and efficiency of MD Route 213.

5. Marine Commercial: The Marine Commercial district (MC) is applied to certain areas of the Town that lie adjacent to the C&D Canal to accommodate the presence and expansion of uses that are related to and that uniquely benefit from location on the water.
6. Resource Conservation: The Resource Conservation district (RC) is applied to areas of the Town that have natural, scenic, or other environmental and open space benefits to the community. District regulations are intended to protect naturally sensitive environmental and scenic areas, and provided locations for the establishment of recreational, cultural, scientific, institutional, and resort uses whose development and use will have negligible impacts to the environment.

§ 4.2.2 Land Uses by District

Table 1 lists the different land uses and the zoning districts in which they are permitted. If a use is not listed or does not fall within any of the general use categories, it is not a permitted use in any district. If a use is specifically listed in Table 1, it takes precedence over general use listings. The letters in Table 1 correspond to the following:

P: Permitted Use: Uses designated by the letter “P” shall be permitted subject to all applicable regulations.

PC: Conditional Use: Uses designated by the letter “PC” shall be permitted subject to certain conditions. The conditions are listed §4.2.3.

SE: Special Exceptions. The Board of Appeals in accordance with §2.27 may authorize uses requiring a special exception designated by the letter “SE”.

SC: Special Exception with Conditions. Uses requiring a special exception designated with the letters “SC” may be authorized by the Board of Appeals in accordance with §2.2.7 subject to certain conditions listed in §4.2.3.

TABLE 1 (Part 1 of 4) PERMITTED USES BY ZONING DISTRICT	P: Permitted PC: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions					
	<div> <div>Land Use</div> <div> Zoning Districts TND V-1 V-2 GC MC RC </div> </div> <div>Use Regs.</div>					

Residential							
Single Family Residences							
Single family residential - detached	P	P				P	
Single family residential - attached (Townhouse)	SC	P	P				Sect. 4.2.3A1
Two-family Residences							
Two-family, duplex	P	P					
Primary residence with accessory apartment	P	P				P	
Secondary residential structure auxiliary to existing house	P	P				P	
Multi-Family Buildings	SC	P	P				Sect. 4.2.3A2
Residential uses emphasizing special services, treatment, or supervision							
Group Home	P	P	P			P	
Halfway House				P			
Intermediate Care Institutions	SE	P	P			P	
Day Care							
Day care home (fewer than 7 people)	P	P	P			P	
Day care center, day nursery (between 7 and 16 people)	PC	PC	PC	PC		PC	Sect. 4.2.3A3
Day care center, day nursery (between 16 and 30 people)		PC	PC	PC		PC	Sect. 4.2.3A3
Homeless Shelter ¹		SE	SE	SE			
Bed and Breakfast and Country Inns	P	P	P	P	P		
Home Occupations	PC	PC	PC			PC	Sect. 4.2.3A4

¹Permitted as an accessory use to "Churches and Other Buildings for Religious Assembly" in the TND zoning district.

TABLE 1 (Part 2 of 4)		P: Permitted PC: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions						
PERMITTED USES BY ZONING DISTRICT								
Land Use		Zoning Districts						Use Regs.
		TND	V-1	V-2	GC	MC	RC	
Commercial, Office, and Service								
Artist and photographer galleries (retail) and studios, dance/music studios			P	P	P			
Retail Shops, including service/repair such as clock, jewelry			P	P	P			
Convenience, grocery, department, variety, hardware, dry goods stores			P	P	P			
Pet Shops					P			
Nursery for plants, greenhouses				PC	P		P	Sect. 4.2.3B1
Banks, financial institutions			P	P	P			
Personal service shops and services, such as barber, salon, Laundromat, health and fitness center, spa			P	P	P			
Professional office			P	P	P			
Medical, dental clinics or physicians/dentist offices			P	P	P			
Business offices, including finance, insurance, real estate			P	P	P			
Business services, plumbing shops, contractor shops					P			
Small-scale manufacturing and assembly such as cabinet making, furniture upholstery; printing, publishing; warehousing					PC	PC		Sect. 4.2.3B2
Television, radio, computer repair shops, small appliance repair, similar			P	P	P			
Building material and supply, boat sales, farm implements storage and sales, feed and grain storage and sales, heavy equipment sales and service					P			
Animal hospital, veterinarian clinic					PC			Sect. 4.2.3B3
Kennel, Cattery					PC			Sect. 4.2.3B4
Funeral Parlor					P			
Motor vehicle sales or rental					P			
Marina uses including boat sales and repair, storage, marine-related manufacturing and marine-related business offices					P	P		
Filling stations, service stations					PC			Sect. 4.2.3B5
Automotive body shop					SC			Sect. 4.2.3B6
Restaurants, standard			P	P	P	P		
Restaurants, fast food, drive-in, drive thru				P	P			
Hotels, motels, convention centers, and similar businesses and institutions providing overnight accommodations			P	P	P	P		
Resorts				P	P	P	P	
Pubs, bars, dance halls, nightclubs, cocktail lounges			PC	PC	P	P		Sect. 4.2.3B7

TABLE 1 (Part 3 of 4) PERMITTED USES BY ZONING DISTRICT	P: Permitted PC: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions						
	Zoning Districts						Use Regs.
	TND	V-1	V-2	GC	MC	RC	

Institutional

Schools							
Elementary and secondary (including pre-school, kindergarten, associated grounds and athletic and other facilities)	PC	PC	PC	PC		PC	Sect. 4.2.3C1
Trade and Vocational Schools				P	P		
Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)						SE	
Churches and other buildings for religious assembly (including associated residential structures for religious personnel and associated buildings but not including elementary or secondary school buildings)	P	P	P	P	P	P	
Social and fraternal clubs and lodges, philanthropic institutions			SE	SE			
Intermediate Care Institutions	SE	P	P	P		P	
Nursery Schools, Day Care Centers with more than 30 children	SE	P	P	P		P	
Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area			SE	SE			
Nursing Care Institutions, Child Care Institutions	SE	SE	SE			P	
Libraries, other public administrative and cultural buildings	SE	P	P	P		P	
Museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)	SE	P	P			P	
Art or cultural center	SE	P	P			P	

Recreation, Amusements, Entertainment

Activity conducted entirely within building or substantial structure							
Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, rifle and pistol ranges, indoor athletic and exercise facilities and similar uses			P	P		P	
Cinema, movie theaters			P	P			
Activity conducted primarily outside enclosed buildings or structures							
Privately owned and operated outdoor recreational facilities such as golf courses, and country clubs, swimming or tennis clubs, rifle and pistol ranges, etc. not constructed pursuant to a permit authorizing the construction of some residential development		SE	SE		SE	SE	
Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc. not constructed pursuant to a permit authorizing the construction of another use such as a school	P	SE	SE	SE	SE	SE	
Golf Driving Range						P	
Swimming Pool, community	SE	SE	SE	SE	SE	P	

TABLE 1 (Part 4 of 4)		P: Permitted PC: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions						
PERMITTED USES BY ZONING DISTRICT								
Land Use	Zoning Districts						Use Regs.	
	TND	V-1	V-2	GC	MC	RC		
Emergency Services								
Police Stations	SE	SE	P	P	P			
Fire Stations	SE	SE	P	P	P			
Rescue squad, ambulance service	SE	SE	P	P	P			
Civil defense operation	SE	SE	P	P	P			
Miscellaneous Uses								
Utilities								
Neighborhoods Service	P	P	P	P	P	P		
Water or sewerage treatment facilities	P	P	P	P	P	P		
Public utility building and structures	P	P	P	P	P	P		
Public utility building and structures with towers or antennas					SC	SC	Sect. 4.2.3D1	
Temporary Structures incidental to construction (non-residential)	PC	PC	PC	PC	PC	PC	Sect. 4.2.3D2	
Christmas tree sales	P	P	P	P	P	P		

§ 4.2.3 Standards for Conditional and Special Exception Uses

The following conditions and specific standards apply to land uses designated PC (Conditional) SE (Special Exception) and SC (Special Exception with Conditions) in Table 1 of this Ordinance. The applicable conditions shall be satisfied during the period of the use and occupancy.

A. Residential Uses

1. Single-Family Attached, Townhouses

Subject to the following conditions, townhouse developments shall be permitted as a Special Exception Use (SC) in the TND district:

- a. A minimum of 30 percent of the total tract area shall be maintained as open area and shall not be devoted to service driveways, off street parking, or loading spaces. It is further provided that 25 percent of the open area shall be suitable for usable recreational space and each recreational space shall be at least 50 feet in the least dimension with a minimum area of 5,000 square feet.
- b. The front setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area.

- c. The minimum setback between any two principal buildings on the same lot shall be 25 feet.
- d. The minimum lot area for the development shall be one acre.

2. Multi-family Buildings

Subject to the following conditions, multi-family buildings shall be permitted as a Special Exception Use (SC) in the TND district.

- a. A minimum of 30 percent of the total tract area shall be maintained as open area and shall not be devoted to service driveways, off street parking, or loading spaces. It is further provided that 25 percent of the open area is suitable for usable recreational space and each recreational space shall be at least 50 feet in the least dimension with a minimum area of 5,000 square feet.
- b. The front setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area.
- c. The minimum setback between any two principal buildings on the same lot shall be 25 feet.

3. Day Care Centers (Child or Elderly Care Centers)

- a. Subject to the following conditions, child or elderly care centers serving between 7 and 16 individuals shall be permitted in the TND District and centers serving between 7 and 30 individuals shall be permitted in the V-1, V-2, C and RC Districts as a Conditional Use (PC):
- b. At least 200 square feet of usable outdoor recreational area shall be provided per individual that may use the center at any one time. Recreational areas shall not include the required front yard of the property or any off-street parking areas.
- c. All such uses shall be located so as to permit the safe pickup and delivery of all people on this site.
- d. The area of the property shall contain no less than 1,000 square feet per individual that may use the center at any one time.
- e. The requirements of these sections shall not apply to child or elderly day care facilities or centers that are operated by a non-profit organization in buildings, structures, or on premises owned or leased by a religious organization and which premises are regularly used as a place of worship or are located on premises owned or leased by a religious organization adjacent to premises regularly used as a place of worship, or are used for private parochial educational purposes that are exempted under the provisions of this section for private educational institutions or are located in publicly owned school buildings.

4. Home Occupations

Subject to the following conditions, home occupations shall be permitted in the TND, V-1, V-2, and RC districts as a Conditional Use (PC):

- a. Not more than one person other than members of the family residing on the premises shall be engaged in such occupation.
- b. There shall be no change in the outside appearance of the building or premises, other than one sign. Residential appearance shall be maintained and the proposed development shall be in keeping with the character of the neighborhood.
- c. No equipment, process, or occupation shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit.
- d. No more than 25 percent of the floor area of the dwelling, including an attached garage, may be used for the home occupation.
- e. No article of commodity shall be offered for sale, except that incidental to services offered, or publicly displayed on the premises.
- f. Parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- g. A private educational institution, boardinghouse, rooming house, or tourist home shall not be deemed a home occupation.

B. Commercial Uses

1. Nursery for Plants, Greenhouses

Subject to the following conditions, nurseries for plants and greenhouses shall be permitted in the V-2 district as a Conditional Use (PC):

- a. The sale of plants, trees, shrubs, seeds, fertilizers, plant foods, hand tools, hand spraying and watering equipment, and pesticides directly related to residential gardening shall be permitted, provided that such tools and equipment are not displayed outdoors.
- b. No such horticultural nursery or commercial greenhouse shall be located on a tract of land containing less than two acres
- c. No part of any building thereon shall be less than 50 feet from the nearest property line.
- d. Greenhouses shall have a minimum setback of twice the height of the building
- e. Storage of all materials which produce odors or attract pests shall be covered.

2. Small Scale Manufacturing and Assembly

Subject to the following conditions, small scale manufacturing and assembly uses shall be permitted in the C and MC districts as a Conditions Use (PC):

- a. Minimum lot area shall be 10,000 square feet and minimum lot width shall be 150 feet.
- b. All manufacturing and assembly shall be conducted within a completely enclosed building with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured or sold on the premises may be stored in the open only if screened from the street by landscaping, fences, or walls.
- c. Notwithstanding the yard regulations for the district, no part of any building, accessory structure, or sign shall be located closer than one hundred (100) feet to any dwelling.
- d. No parking or storage of material or products shall be permitted in the required front yard.

3. Animal Hospital, Veterinarian Clinic

Subject to the following conditions, animal hospital and veterinarian clinic uses shall be permitted in the C district as a Conditional Use (PC):

- a. Minimum lot area shall be 20,000 square feet.
- b. All operations in connection with the clinic must be conducted indoors.
- c. Screening and vegetative landscaping shall be used along lots lines which adjoin a residential lot a residential zoning district.
- d. No work on large animals (bovine or equine) is to be performed on the premises.

4. Kennel, Cattery

Subject to the following conditions, a kennel and cattery shall be permitted in the C and RC districts as a Conditional Use (PC):

- a. A kennel/cattery shall not be a free-standing establishment but instead an ancillary use to an animal hospital or veterinarian clinic and primarily operated in a manner that supports the animal hospital or veterinarian clinic use.
- b. The kennel/cattery operator shall follow all applicable regulations of the Cecil County Animal Control Ordinance.

5. Filling Stations, Service Stations

Subject to the following conditions, filling station and service station shall be permitted in the and GC and MC districts as a Conditional Use (PC):

- a. No fuel pump, oil draining pit, or other vehicle appliance for serving automobiles shall be located within 25 feet from the front property line.
- b. Bulk storage of flammable liquids shall be underground.
- c. The entrance and exit of any such establishment shall be at least 50 feet from any residential lot.
- d. No storage or stockpiling of tires or any trash shall be permitted.
- e. All inoperative vehicles shall be completely screened from view of rights-of-way and adjoining properties.
- f. An area, enclosed by a wall or fence, screened from view of adjoining properties and rights-of-way shall be established whenever outdoor storage is required.
- g. No fuel pumps, structures or buildings shall be erected within 150 feet of any dwelling.
- h. All lights shall be diverted toward the station and downward on the lot.
- i. No storage or stockpiling of tires or any trash shall be permitted.

6. Automotive Body Shop

Subject to the following conditions, an automotive body shop shall be permitted in the MC district as a Conditional Use (PC), subject to the following conditions:

- a. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties or a residential zoning district.
- b. No gasoline shall be dispensed.
- c. All lights shall be diverted toward the facility or downward on the lot.
- d. A low screening wall and/or hedge shall be provided along all rights-of-way, except at points of vehicular access to the lot and except where vehicular sight distance might be compromised.
- e. There shall be no bulk storage of flammable liquids on the premises.
- f. No storage or stockpiling of tires or any trash shall be permitted.

7. Pub, Bar, Nightclub, Dance Hall, and Cocktail Lounge

Subject to the following conditions, a pub, bar, nightclub, dance hall, and cocktail lounges shall be permitted in the V-1 and V-2 districts as a Conditional Use (PC), subject to the following conditions:

- a. Hours of operation shall be limited to midnight.
- b. Maximum allowed noise levels by time of day shall not exceed levels set forth in the Town's Noise Control Ordinance, as may be supplemented or amended from time to time.
- c. Loitering shall not be permitted around the exterior of the establishment.

C. Educational, Cultural, and Institutional Uses

1. Elementary and secondary schools (including pre-school, kindergarten, associated grounds, and athletic facilities)

Subject to the following conditions elementary and secondary schools are permitted in the TND, V-1, V-2 and RC districts as a Conditional Use (PC).

- a. Minimum lot area shall be one acre.
- b. In the TND, V-1, and V-2 districts, off-street parking shall be provided in the side or rear yard.
- c. Building coverage shall not exceed 25 percent of the lot.
- d. The maximum attendance (number of students physically present) at any one time shall not exceed one student per 1,000 square feet of the lot area devoted to the use.

D. Miscellaneous Use

1. Public Utility Buildings and Public Utility Structures with Towers or Antennas

Subject to the following conditions, a public utility building or public utility structure not otherwise permitted, including radio and television broadcasting stations and towers (but not including electric power transmission or distribution lines carrying in excess of 69,000 volts) shall be a Special Exception use (SC) in the GC and RC districts:

- a. The proposed building or structure at the location selected is necessary for public convenience and service.
- b. The proposed building or structure at the location will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.

- c. Public utility buildings in any predominately residential area shall, whenever practicable, have the exterior appearance of residential buildings and shall have suitable landscaping, screen planting, and fencing, wherever deemed necessary by the Planning Commission.
- d. Any proposed broadcasting tower shall have a setback of one foot from all property lines for every foot of height of the tower, provided that any broadcasting tower lawfully existing prior to the effective date of this Ordinance shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally altered, reconstructed, or enlarged provided that no structural change, repair, addition, alteration, or reconstruction shall result in increasing the height above the then existing structurally designed height.
- e. Examples of public utility buildings and structures for which special exceptions are required under this section are buildings and structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices for supply electric service; telephone offices; railroad, bus, trolley, air, and boat passenger stations; radio or television transmitter towers and stations.
- f. In any residential area, overhead electric power and energy transmission and distribution lines carrying in excess of 69,000 volts may be permitted where:
- g. The proposed use does not have an unduly adverse effect on the general plan for the physical development of the district as embodied in this Ordinance and in the comprehensive plan or portion thereof;
- h. The proposed use will not adversely affect the health and safety of the residents or workers in the area;
- i. The proposed use will have the least possible detrimental effect to the use of development of adjacent properties or the general neighborhood.
- j. In making such findings, the Board shall consider the following factors, and such other factors as the Board may find to be necessary or important to effectuate its review:
 - i. Points at which the proposed line crosses heavily traveled highways or streets, or other arteries of transportation, either existing or proposed;
 - ii. Proximity of the line to schools, churches, theaters, clubs, museums, fair grounds, or other places of assembly, existing or proposed;
 - iii. The amount and probability of low-level flying over the line and nearness of the line to airports and/or heliports, existing or proposed;
 - iv. Any fire hazard or interference with firefighting equipment due to the location and construction of the proposed line;

- v. Proximity of the line to public parks and recreational areas, existing or proposed;
- vi. Effect upon property values of those who will not be compensated for a taking under the laws of the State;
- vii. The effect upon environmental quality and ecological balance of protected watersheds, planned open space between corridors of development and greenbelt areas surrounding community development; and
- viii. Proximity of the line to historic sites and structures.

2. Temporary Structures Incidental to Construction

Subject to the following conditions, Temporary Structures Incidental to Construction shall be permitted in all districts as a Conditional Use (PC):

- a. That it is removed when construction is finished.
- b. That the structure remains for only a period of one year with extensions totaling one year permitted upon application to and approval of the Zoning Administrator.

§4.3 Historic Area District

§ 4.3.1 Purpose and Applicability

A. Purpose of Regulations and District

1. It is the purpose of this Section to establish regulations and procedures necessary to preserve the historic structures and character of Chesapeake City.
2. The purposes of the Historic Area District are as follows:
 - a. To preserve structures of historic and architectural value.
 - b. To safeguard the heritage of Chesapeake City by preserving the district therein which reflects elements of the Town's cultural, social, economic, political or architectural history; to stabilize and improve property values in the historic district; to foster civic beauty; to strengthen the local economy; and to promote the use and preservation of the historic district for the education, welfare and pleasure of the residents of both the Town and surrounding region;
3. It is not the intent of this ordinance to discourage contemporary architectural expression, or to encourage the emulation of existing buildings or structures of historical architectural interest in specific detail. Harmony or incompatibility will be evaluated in terms of the appropriateness of materials, scale, size, height, and placement of new buildings in their relationship with existing structures.

B. Applicability

These provisions shall apply within the Historic Area District as is shown on the Official Zoning Map of Chesapeake City.

C. Historic District Commission

1. The establishment and proceedings of the Historic District Commission shall be as provided for in §2.1.4 of this Ordinance.
2. Every application considered by the Historic District Commission shall be accepted or rejected by that Commission.

3. No permit may be granted until the Historic District Commission has first acted thereon and submitted its decision to the Planning Commission. Only upon Planning Commission approval shall a permit be issued.

§ 4.3.2 Historic District Commission Permit Required

A. Application

An application shall include all plans for construction, erection, reconstruction, alteration, excavation and changes in the exterior of the building.

B. Procedures

1. The applicant files an application for a building permit with the Zoning Administrator.
2. After review by the Zoning Administrator to ensure the application conforms to the applicable use regulations, the Zoning Administrator will forward the application to the Chairman of the Historic District Commission.
3. The Zoning Administrator will post a sign on the property. Such sign shall state the date and time that the application about the property shall be considered by the Commission. The notice shall be posted not less than one week before the date of the meeting at which the application will be considered.
4. After hearing from the applicant and any other interested persons at the meeting, the Commission shall, within 30 days of its meeting on the application, make its decision public.
5. The Historic District Commission shall file with the Planning Commission a certificate of its approval, modification or rejection of all applications and plans submitted to it for review. The Historic District Commission may recommend approval subject to such conditions as are necessary to ensure conformity with the provisions and purposes of this section.
6. The applicant shall receive a written notification of the Commission's decision. In the event of a denial of a permit, reasons for such denial shall be included with the written notification.
7. In reviewing applications, the Historic District Commission shall state in writing its findings of fact related to:
 - a. The historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area;

- b. The relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area;
- c. The general compatibility of exterior design, arrangement, texture and materials proposed to be used;
- d. The extent to which the building or structure would be harmonious with, or incongruous to, the environmental setting of the Historic District; and
- E. Any other factors including aesthetic and environmental factors which the Committee deems pertinent.

C. Standards for Exercising Judgment

- 1. The Historic District Commission shall be strict in its judgment of plans for those structures deemed to be valuable for historic or architectural reasons and lenient in its judgment of plans for structures of little historic value or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding structures in the surrounding area.
- 2. The Historic District Commission is not required to limit new construction, alteration, or repair to the architectural style of any one period.

D. Applications for Permits for Structures of Unusual Importance

If an application is submitted for reconstruction or alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure, the preservation of which the Historic District Commission deems of unusual importance to the Town or of unusual importance to the State or Nation, the Historic District Commission shall attempt with the owner of the structure to formulate an economically feasible plan for the preservation of the structure.

E. Special Circumstances

In the case of a structure deemed to be valuable for the period of architecture it represents and it is important to the District, the Commission may approve the proposed reconstruction or alteration despite the fact the changes come within the provisions of paragraph D above, if:

- 1. The structure is a deterrent to a major improvement program which will be of substantial benefit to the Town of Chesapeake City;
- 2. Retention of the structure would cause undue financial hardship to the owner; and/or

3. The retention of the structure would not be in the interest of the Town as provided for in the adopted Comprehensive Plan.

§ 4.3.3 Certificates of Approval or Rejection

A. Certificate Files with Planning Commission

The Historic District Commission shall file with the Planning Commission a certificate of its approval, modification, or rejection of all applications and plans submitted to it for review. Work shall not be commenced on any such project until such a certificate of approval has been filed by the Commission and further approved by the Planning Commission. The Planning Commission shall not act to approve a project for which the Historic District Commission has filed a certificate of rejection.

B. No Work to Commence without Approval

The owner, lessee, or tenant of the property and premises shall not commence the proposed work or change until and unless he/she has received a certificate of approval from the Planning Commission and Historic District Commission.

§ 4.3.4 Ordinary Maintenance - Work under a Prior Permit

- A. Nothing in this Part of this Ordinance shall be taken or construed to prevent work or repairs on any structure coming under the heading of ordinary maintenance.
- B. Nothing in this Part affects the right to complete any work covered by permit or authorization issued prior to the effective date of adoption or amendment of this Ordinance, unless otherwise specified.

§ 4.3.5 Appeals

Any person aggrieved by a decision of the Historic District Commission has the right of appeal therefrom, to the Circuit Court which will review the Commission's decision based on the record of the proceedings before the Historic District Commission

§ 4.3.6 Architectural Easements

The Historic District Commission may purchase architectural easements in connection with structures located within or adjacent to the Historic Area District. Such easement shall grant to the Historic District Commission, the residents of the historic district and the general public the perpetual right to have the exterior appearance of any structure upon which it is applied retained in substantially the same character as when the easement took effect.

Article 5

Dimensional Requirements and Standards

§ 5.1 Dimensional Requirements

§ 5.1.1 Lot and Bulk Requirements

A. General

The Article establishes the size of lots, the density of land use development and the location, dimensional and bulk requirements of both principal and accessory buildings.

B. Purpose

The purposes are to ensure:

1. That the use of property does not infringe on the rights or enjoyment of adjacent property owners,
2. That new development is compatible in aesthetic character with the existing patterns of development and that it is compact and pedestrian-scaled.
3. That there is adequate light and air for the health and safety of residents, business operators, and patrons.
4. That the environmental quality of the land and waterways are protected and that to the greatest extent practical impervious surfaces are minimized in all new construction.
5. That fire and rescue personnel and equipment will have sufficient access to the side and rear of structures, and that
6. The density and intensity of new development is in keeping with the planning and development of essential municipal facilities and services.
7. Within the Village Center district, developers and property owners have the flexibility needed to develop and/or redevelop properties in keeping with the purpose of the district.

C. Requirements

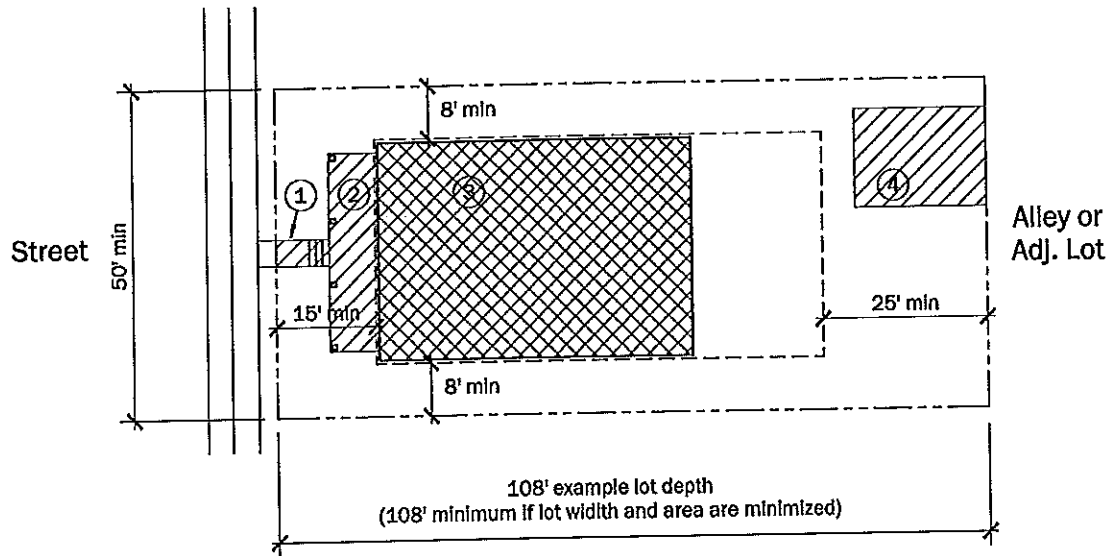
1. The lot dimensional, density, and bulk requirements set forth in Tables 2 and 3 shall apply to all new construction.

2. Impervious surfaces (surfaces that do not absorb rain, including buildings, streets, driveways, sidewalks, patios, parking areas and any other surfaces that are paved or are otherwise impervious to water) shall be minimized to the maximum extent possible. While the maximum permissible level of impervious coverage for each lot is provided in Table 3, within the Critical Area the Town shall require that impervious surface coverage be minimized to the extent possible as a condition of any development approval and to this end may require that pervious surfacing materials be substituted for impervious surfaces or that driveway and other proposed impervious surfaces be the smallest necessary to serve their intended function, or impose other comparable restrictions.

D. Illustrative Examples

Illustration 1- Example A shows the application of the key dimensional requirements which are set forth in Table 2 and 3.

Illustration 1 - Example A



Legend & Notes

- Lot Boundary
- Minimum Setback from Lot Boundary
- 5,400 sf minimum lot area
- ▣ 30% maximum Building Coverage
- ▤ 40% maximum Impervious coverage
- ① Sidewalk (Impervious)
- ② Front Porch (Impervious)
- ③ Main house structure (Impervious)
- ④ Paved parking area in rear yard (Impervious)

Table 2: DIMENSIONAL AND DENSITY REQUIREMENTS

Zoning District	Minimum Dimensional Requirements					Maximum Density/Intensity (gross)	
	Lot Area (sf)	Area Per Unit (sf)	Lot Width (ft)	Lot Depth (ft)	Street Frontage (ft)	Dwelling Units (per acre)	Floor Area Ratio ¹
TND Lot Types							
single-family detached	5,400	5,400	50	100	50	6	-
single-family attached	3,000	3,000	22	100	22	10	-
multi-family	1 acre	2,000	100	-	100	14	-
civic, other	5,400	-	50	100	50	-	0.4
Village Center (V-1) Lot Types							
single-family detached	5,000	5,000	50	90	50	7	-
single-family attached	2,000	2,000	18	90	18	12	-
multi-family	1 acre	2,000	100	-	100	14	-
commercial	5,000	-	50	90	50	-	0.65
civic, other	5,000	-	50	90	50	-	0.6
Village Commercial (V-2) Lot Types							
single-family attached	2,000	2,000	18	90	18	12	-
multi-family	1 acre	1,500	100	-	100	22	-
commercial	5,000	-	50	90	50	-	0.65
civic, other	5,000	-	50	90	30	-	0.6
Marine Commercial (MC) Lot Types							
commercial, other	-	-	-	-	-	-	0.55
General Commercial (C) Lot Types							
commercial	21,000	-	100	100	100	-	0.5
civic, other	21,000	-	100	100	100	-	0.35
Resource Conservation (RC) Lot Types							
single-family detached	1 acre	10 acres	-	-	30 ft	0.1	-
civic, other	2 acres	-	-	-	30 ft	-	-

¹ Floor Area Ratio (FAR) - The ratio derived by dividing the total floor area of a building by the gross site area.

Table 3: YARD AND BULK REQUIREMENTS

Zoning District	Minimum Yard Requirements			Maximum Bulk Standards		
	Front (ft)	Side (ft)	Rear (ft)	Height ³ (ft)	Building Coverage ⁴ (%)	Impervious Surface Coverage (%)
TND Lot Types						
single-family detached	15 ft ²	8 ft	25 ft	28 ft	30%	40%
single-family attached ¹	15 ft	20 ft	20 ft	28 ft	43%	45%
multi-family	30 ft	25 ft	25 ft	35 ft	40%	50%
civic/other	15 ft	8 ft	25 ft	35 ft	33%	40%
Village Center (V-1) Lot Types						
single-family detached	10 ft	8 ft	25 ft	28 ft	40%	45%
single-family attached	15 ft	20 ft	20 ft	28 ft	48%	50%
multi-family	15 ft	25 ft	25 ft	35 ft	40%	50%
commercial	15 ft	8 ft	20 ft	35 ft	50%	60%
civic/other	15 ft	8 ft	20 ft	35 ft	50%	60%
Village Commercial (V-2) Lot Types						
single-family attached	15 ft	20 ft	20 ft	28 ft	48%	50%
multi-family	15 ft	25 ft	25 ft	35 ft	40%	50%
commercial	15 ft	8 ft	25 ft	35 ft	85%	85%
civic/other	15 ft	8 ft	20 ft	35 ft	60%	60%
Marine Commercial (MC) Lot Types						
commercial, civic, other	15 ft	20 ft	25 ft	35 ft	50%	60%
General Commercial (C) Lot Types						
commercial	30 ft	20 ft	20 ft	35 ft	50%	60%
civic/other	30 ft	20 ft	20 ft	35 ft	50%	60%
Resource Conservation (RC) Lot Types						
single-family detached	30 ft	25 ft	25 ft	35 ft	10%	10%
commercial/civic/other	30 ft	25 ft	50 ft	35 ft	10%	10%

¹ For attached units, the entire structure shall be considered a single building with respect to side yard requirements

² All recorded subdivisions of land greater than one-half acre in size shall provide a front yard setback on each lot created which shall be within the range of 10 to 20 feet. No setback on any lot shall be greater than 30 feet, except as may be allowed by §5.1.2 A.1

³ For flat roofs on single-family structures, the maximum building height shall be 33 feet.

⁴ Accessory buildings shall be included in the calculation of maximum building coverage.

§ 5.1.2 Exceptions to Lot and Bulk Requirements

A. Exceptions by District

1. In the TND and Village Center districts, the front setback shall not vary by more than five (5) percent of the average of the existing setbacks for buildings on the same side of the street within 300 feet of the proposed building, except as provided in paragraph 3 of this section.
2. In the Village Center and Village Commercial districts, where a side lot line of a commercial use coincides with a side lot line of another commercial use, the side lot line may be reduced to zero provided the following findings are established:
 - a. Access of emergency personnel on the site would be adequately provided, and
 - b. The Fire Chief submits a favorable recommendation in writing.
3. For properties in the Village Center district, the Planning Commission may, but is not required to, approve the redevelopment of properties, including through the teardown and rebuilding of any structure, with quantitatively the same lot dimension and building bulk parameters that existed on the site prior to redevelopment or with standards that are in greater conformance with the dimensional requirements of Tables 2 and 3, provided such structure existed prior to the adoption of this Ordinance. The following procedures shall govern the review:
 - a. The Planning Commission may approve a project under the terms of this provision only upon review of a Category 1 site plan and such approval shall not require a variance or administrative adjustment.
 - b. The Planning Commission may approve a project under the terms of this provision whether or not the property is a non-conforming use or structure provided the redevelopment project would not result in the expansion of a non-conforming use or structure.
 - c. The Planning Commission may establish conditions on its approval of any project approved under the terms of this provision to address any possible adverse effects of the site's adherence to any pre-existing dimension and bulk parameters.
 - d. The Planning Commission may condition its approval on there being greater conformance to one or more of the dimensional or bulk requirements of this Ordinance.
 - e. An applicant for such approval shall adhere to Historic District plan review procedures if the property is in the Historic District.

B. Allowable Extensions into Yard Areas

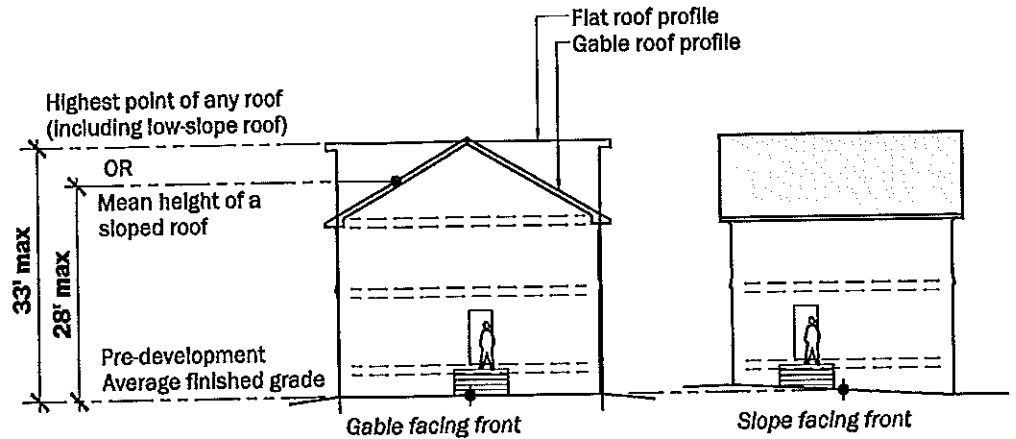
Extensions into Yard Area. The following features may extend into required minimum setback areas but only as qualified below:

- a. Cornice, canopies, awnings, eaves, or other similar features which are at least eight feet above grade, may extend no more than four feet into any required yard in any district.
- b. Chimneys may extend no more than two feet into any required side yard.
- c. Any uncovered and completely unenclosed patio, terrace, or deck, or stairs with a floor no higher than that of the first floor level of the building may extend six feet into any required yard, but not nearer to any lot line than a distance of four feet.
- d. In the TND district, a covered porch may extend six feet into the front yard.

C. Height

1. The height limits of this Ordinance shall not apply to steeples, spires, belfries and cupolas not for human occupancy, water towers, equipment for the operation of a building, chimneys, flag poles, radio towers, masts, aerials and other similar structures. Antennas are allowed in all districts but shall not be higher above the roof than the distance of the building to the nearest property line or prescribed boundary.
2. Building height shall be as defined in Article 9 of this Ordinance. Illustration 2 below shows the application of the height requirement in the TND zone for single-family detached buildings per Table 3.

Illustration 2



§ 5.1.3 Accessory Building / Structure Requirements

A. Location of Accessory Buildings and Structure

The following provisions apply to the location of accessory buildings:

1. Accessory buildings shall not occupy any required front yard or side street yard.
2. Accessory buildings shall not be located closer than six feet from any side property line or five feet from any rear property line, except in the Village Center, where accessory buildings and structures may be as close as three feet from the side property line.

B. Height of Accessory Building or Structure

1. Where the high point of the roof of any accessory building exceeds 12 feet in height, the accessory building shall be set back from the rear lot line an additional two feet for every foot of height exceeding 12 feet.

2. In the TND and Village Center districts, the maximum height of an accessory building shall be 20 feet. In all other districts the maximum allowed height shall be the maximum height of the principal structure on the lot.

C. Accessory Swimming Pools

Accessory swimming pools open and unenclosed, may occupy a required rear yard only, provided that they are not located closer than six feet to a rear lot line.

1. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls.
2. Every swimming pool shall be protected by a safety fence or barrier approved by the Zoning Administrator as provided in §5.1.4 of this Ordinance.

D. Building Permits Required

Any accessory building or structure greater than 100 square feet in size shall require a permit before placement.

§ 5.1.4 Fences and Walls

A. Approval Required

1. No fence, wall or other type of construction shall be erected without Zoning Administrator approval except that fences and walls contained within Category 1 site plans shall be reviewed and approved by the Planning Commission concurrent with the site plan review.
2. An application to erect a fence or wall shall be accompanied by a survey plot plan if it is available and a sketch at minimum showing the proposed location of any fence in relation to property boundaries and improvements, the material proposed to be used, which must be in accordance with this Ordinance.

B. Fence Height Limitations

Rear, front, and side yards. No Fence shall be more than six feet in height at the rear of homes or buildings situated in all residential zoned districts. No fence shall extend forward of the rear building line more than three feet beyond any existing building or proposed building. No other fence or portions of a fence shall be higher than forty-eight inches.

C. Location Restrictions

1. A fence may be located on the property line except in the front yard. Any fence erected in a front yard or a side yard bordering a public street shall be placed at least one foot back from the front or side property line or from the edge of a public walkway or street and/or property line except when the fences around two neighboring yards are aligned with each other, then the fence may be placed in line with those fences.
2. All fences or walls must be erected so as not to encroach upon any public rights-of-way or easements unless a waiver is granted by the Town Council of Chesapeake City with the stipulation that the fence be removed or relocated upon request by appropriate town officials.
3. All fences or walls must be erected within the property line, and none shall be erected so as to interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, on public or private property.

D. Materials and Composition

1. No fence shall be erected in a front yard or along a public right-of-way in the TND, Village Center District, and Village Commercial District unless the fence is uniformly less than fifty percent (50%) solid.
2. The following fences and fencing materials are specifically prohibited in the Town, except within the Resource Conservation District: barbed wire, pointed fences less than three feet in height, canvas fences, cloth fences, electrically charged fences, poultry fences, turkey wire, wire fences, temporary fences such as snow fences, expandable fences and collapsible fences, except during construction of a building or site.
4. All chain link fences erected shall be erected with the closed loop at the top of the fence.
5. All entrances or gates which border a public right-of-way or are positioned along a property line shall open into the property.

E. Action of Zoning Administrator

1. Any fence, wall or similar structure, which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction affecting the public safety is prohibited.
2. The Zoning Administrator shall order any fence, wall or similar structure, which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction affecting the public safety, or is in disrepair to be repaired or removed.
3. Any person who shall refuse or neglect to comply with the written direction of the Zoning Administrator shall be guilty of a violation of this Ordinance and shall be subject to its penalties.
4. In reviewing an application for a fence, wall, or similar structure in the front or side yard visible from the public right-of-way, the Zoning Administrator may consider the impact of the proposal on the protection of the aesthetic character of the neighborhood.

§ 5.2 Creation of Lots

§ 5.2.1 Standards for New Lots

A. Lot Sizes

1. Lots shall be created to conform to the size and dimensions set forth in Table 2 of this Article. In no case may a lot be platted which has less area or width than required by this Ordinance in the zone where it is to be located.

B. Lot Shape

1. Excessive lot depth in relation to lot width should be avoided; with a proportion of 2.5 to 1 considered a desirable maximum. Pointed or irregular lot shapes shall be avoided.
2. Side lot lines should generally be at right angles to straight street centerlines and radial to curved street centerlines. However, this standard is not intended to prohibit the creation of lots at a reasonable angle to the street where the intent is to create a lot orientation to enhance solar-related energy techniques.
3. Corner lots shall be equal non-corner lots in lot width and depth plus shall have added area to comply with minimum front yard setback requirements on each frontage.
4. No subdivision plat shall create remnants of land that would have no apparent use or control.

5. Flag, pipe-stem, or panhandle lots shall not be permitted.
6. Double frontage and reverse frontage lots shall be strictly avoided except where required to avoid fronting lots onto arterial or other major non-access streets, or to separate residential areas from incompatible non-residential development, or to overcome some specific and unique site related disadvantage such as topography.

C. Frontage and Access to Streets

1. Except along streets existing prior to January 1, 2011, no residential lot shall be created which does not both front onto a public street and back onto an alley.
2. Minimum street frontage shall be as set forth Table 2 of this Article. Street frontage shall be measured at the established minimum setback for the zoning district where located.
3. Upon approval of Cecil County Emergency Services, a street address for each lot shall be as assigned by the Town in order to ensure a separate and distinct address for each lot created.
4. No residential lot shall derive vehicular access exclusively from a Collector street as provided in the Comprehensive Plan.
5. No lot, regardless of use, shall derive vehicular access directly from an Arterial road, as provided in the Comprehensive Plan, unless alternative access is strictly prevented by topographic and related physical conditions such as site distance requirements and environmental conditions.
6. Where adjoining lots front onto a Collector street or Arterial road, the Town may require that such lots be served by a combined drive in order to limit possible traffic hazard, reduce the number of driveways connections to the public right-of-way, protect aesthetic character, limit overall impervious surface coverage or otherwise implement the purposes of this Ordinance.
7. Driveways shall be arranged to avoid vehicles backing into traffic on Collector and Arterial roads.
8. Every lot shall abut an approved public street that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles. The reviewing authority whether it is the Planning Commission or Zoning Administrator, shall have the authority to approve or disapprove any point of ingress or egress to any lot, tract, parcel or development from any street or highway.

Article 6

Site and Building Design Standards

§ 6.1 General Environmental Standards for Sensitive Areas

This section establishes environmental standards for all subdivisions and development requiring site plan approval.

§ 6.1.1 Land Suitability

A. Unsuitable Land not for Development

No land shall be subdivided for development that is held unsuitable for its proposed use by the Planning Commission for reasons of flooding, being located within the 100-year floodplain, inadequate drainage, excessive slope, severe erosion potential, or any other natural features that may be harmful to the health, safety, and welfare of future residents, property owners or the community at large.

B. Proposed Improvements to Unsuitable Land

All proposed improvements necessary to make land suitable for development shall be in full compliance with any laws and ordinances regulating such improvements and with any conditions as may be required by the Planning Commission to reduce risks to health and safety. The ability to mitigate an environmental health concern through proposed improvements in no way guarantee that the Planning Commission will approve a project on land that is otherwise unsuitable for its proposed use.

C. Deed Restrictions Required

When a subdivider does not intend to develop the plat him or herself and the improvements are necessary to reduce hazards and/or to make land suitable for development, the Planning Commission shall require appropriate deed restrictions to be inserted on every deed and noted on every recorded plat and parcel.

§ 6.1.2 Perennial Stream No Disturbance Buffer

A. Buffer Required

A three hundred (300) foot vegetative buffer from all perennial streams shall be required for all development.

B. Expanded Buffer May be Required

The perennial stream buffer shall be expanded to include contiguous 100-year floodplain and non-tidal wetlands, hydric soils, highly erodible soils, and soils on slopes greater than fifteen percent (15%) that are contiguous with the perennial stream.

C. Modification of Buffer

In the review of a site plan or subdivision plat, the Planning Commission may modify this buffer requirement provided it be not less than one hundred (100) feet, if it establishes written finding of fact that:

1. The design, construction and use of the entire site with less than a 300-foot buffer will provide the same or greater protection of water quality as the 300-foot buffer, and the development proposal provides heightened measures to minimize the runoff of stormwater from the site and to minimize impervious surfaces and the removal of natural vegetation within 300 feet of the stream; or
2. It is the development of a planned public street that has necessitated an incursion into the buffer and evidence is provided that disturbance will be minimized in so far as possible; or
3. Other public or community facilities are required and evidence is provided that disturbance will be minimized in so far as possible.

§ 6.1.3 Intermittent Stream No Disturbance Buffer

A. Buffer Required

A 50-foot vegetative buffer from all intermittent streams shall be required for all development.

B. Expanded Buffer May be Required

The intermittent stream buffer shall be expanded to include contiguous 100-year floodplain and non-tidal wetlands, hydric soils, highly erodible soils, and soils on slopes greater than 15 percent that are contiguous with the stream.

C. Modification

In the review of a site plan or subdivision plat, the Planning Commission may modify this buffer requirement provided the buffer is not less than 25 feet if it establishes written finding of fact that:

1. The development proposal provides heightened measures to minimize the runoff of stormwater from the site and to minimize impervious surfaces and the removal of natural vegetation within 50 feet of the stream; or
2. It is the development of a planned public street or other infrastructure that has necessitated an incursion into the buffer and evidence is provided that disturbance will be minimized in so far as possible; or
3. It is the development of other necessary public or community facilities that has necessitated an incursion into the buffer and evidence is provided that disturbance will be minimized in so far as possible.

§ 6.1.4 Non-tidal Wetland Buffer

A. Buffer Required

A 50-foot setback from all non-tidal wetlands shall be required for all development around the extent of the delineated non-tidal wetland except as permitted by the U.S. Army Corp of Engineers and the State of Maryland, Department of Natural Resources, Non-tidal Wetland Division.

B. Expanded Buffer May be Required

The wetland buffer shall be expanded to include contiguous 100-year floodplain and non-tidal wetlands, hydric soils, highly erodible soils, and soils on slopes greater than 15 percent that are contiguous with the wetland.

C. Modification

In the review of a site plan or subdivision plat, the Planning Commission may modify this buffer requirement provided the buffer is not less than 25 feet upon establishing written findings of fact that:

1. That the development proposal provides heightened measures to minimize the runoff of stormwater from the site and to minimize impervious surfaces and the removal of natural vegetation within 50 feet of the wetland; or
2. It is the development of a planned public street or other infrastructure that has necessitated an incursion into the buffer and evidence is provided that disturbance will be minimized in so far as possible; or
3. It is the development of other necessary public or community facilities that has necessitated an incursion into the buffer and evidence is provided that disturbance will be minimized in so far as possible.

§ 6.1.5 Steep Slopes

A. No Disturbance of Steep Slope

No structure, impervious surface or other land disturbance shall occur on any slope with a grade of 15 percent or greater unless the Zoning Administrator determines that the structure, impervious surface or land disturbance is necessary for stabilization of the slope.

B. Buffer

A minimum 50-foot buffer shall be established between development and the crest of slopes in excess of 25 percent.

§ 6.1.6 Habitats of Rare, Threatened and Endangered Species

Development shall avoid areas of Habitat of Rare, Threatened and Endangered Species as defined by the Maryland Department of Natural Resources.

§ 6.1.7 Forest Conservation

A. Forest Conservation Ordinance

The forest conservation ordinance of Cecil County shall be complied with in all respects within the boundaries of the Town of Chesapeake City.

B. Landscaping and Tree Requirements in Subdivisions

1. Existing trees shall be preserved whenever possible. The protection of trees six inches or more in diameter (measured at breast height) shall be given high priority in determining the location for open spaces, structures, underground utilities, walks, and paved areas. Areas in which trees are preserved shall remain at original level and shall remain undisturbed wherever possible.
2. Where extensive natural tree cover and vegetation does not exist, landscaping and the planting of native tree species shall be provided to establish a tree canopy, enhance the appearance of the development, aid erosion control and stormwater runoff management, provide protection from wind and sun, screen and shade streets and paved areas, promote energy conservation of buildings, and enhance the privacy of dwelling units.
3. If available, the Town's street tree planting guidelines shall be followed in all subdivisions.

§ 6.2 Landscaping and Screening

§ 6.2.1 General Applicability

- A. The provisions of this Section shall apply to all development where site plans are filed in accordance with the provisions of this Ordinance and to all public and private parking facilities. This Section establishes the minimum requirements for site landscaping and screening for projects requiring site plan review. More than the minimum requirements may be required to meet the purposes of this Ordinance.
- B. In the review of Category 2 Site Plans, the Zoning Administrator shall apply standards and conditions on the approval in relation to landscaping and screening in keeping with the purposes of §6.2.2 below.

§ 6.2.2 Purpose and Intent

A. Intent

This section is intended to set forth certain minimal requirements for the use of landscaping and planting in relation to site plan approvals.

B. Purposes

1. To screen or buffer incompatible uses in order to minimize the harmful impact of noise, dust and other debris, artificial light intrusion, and other objectionable activities or impact conducted or created by adjoining or nearby uses; and
2. To reduce the harmful effect of heat and noise, and the glare of motor vehicle lights; and
3. To help preserve underground water reservoirs, to permit the return of precipitation to the ground water strata and otherwise act as a natural drainage system to ameliorate stormwater drainage problems, prevent soil erosion and help meet the requirements of state stormwater regulations; and
4. To provide shade and to prevent the blighting appearance of unkempt parking lots; and
5. To promote compatibility among new and older development, accentuate traditional qualities and patterns of development, and expand the tree canopy in the Town.

§ 6.2.3 Landscaping Requirements

A. Landscape Plan

A landscaping plan shall be submitted for approval by the Planning Commission as part of every Category 1 site plan.

B. Content of Landscape Plan

A landscaping plan shall include dimensions and distances and clearly delineate all buildings and existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size, species, and description of all landscaping materials to be used.

C. Minimum Screening Requirements

1. All developments shall be fully screened on each side that adjoins a residential use up to the minimum height of four feet. Required screening shall consist of either a masonry wall or wooden fence not greater than six feet in height, an evergreen hedge, or a fully planted landscape area of at least ten feet in width.
2. All service structures, which included dumpsters, propane tanks, air conditioning units, and related equipment or elements providing service to a building or site, shall be fully screened with landscaping and/or a fence or wall.

D. Perimeter Parking Lot Landscaping

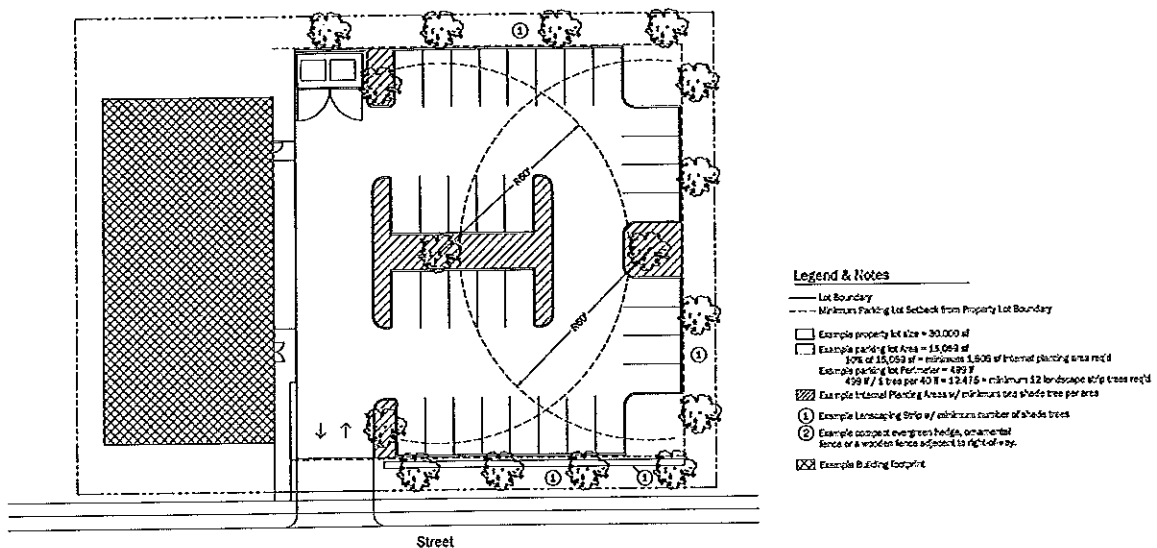
All off-street parking lots, whether or not located on the same lot as the use to which it is accessory, containing ten or more parking spaces shall meet the following perimeter landscaping requirements.

1. A landscaping strip with a minimum width of ten feet shall be located between the parking lot and the adjoining lot lines.
2. A minimum of one shade tree for every 40 feet of lot perimeter shall be planted in the landscaping strip. Deciduous shade trees with ground cover or with low shrubs shall be used as the primary landscape materials.
3. On the landscaping strip adjacent to a right-of-way, a compact evergreen hedge, an ornamental wall, or a wooden fence of not less than four feet or greater than six feet in height is required.

E. Internal Landscaping of Parking Lot

Any parking lot of 25 or more spaces shall be internally landscaped with shade trees. Shade trees shall be planted in planting areas. Planting areas which shall comprise at least ten percent of the internal area of the parking lot and shade trees shall be installed such that no parking space is located more than 60 feet from a parking lot shade tree. Planting areas should be wide enough to allow for the mature growth of the tree chosen.

Illustration 3



F. Landscaping For Stormwater Management

1. Landscaping in relation to parking lots may be used for stormwater management provided the requirements of this section are met.
2. Bioretention swales are allowed in perimeter and internal parking lot landscaping areas and planting areas.

G. Building Wall Yard Planting

A planting area shall be established along any building wall facing an adjacent off-street parking lot or right-of-way. Shade trees, ornamental trees, and shrubs shall be planted in this planting area to aesthetically enhance the appearance of buildings and provide shade according to the following minimum standard: one shade tree for every 50 feet of wall yard length and one ornamental tree for every 30 feet of wall yard length.

H. Required Planting Material

In meeting the requirements of this Ordinance, only those plants listed on the Town's Recommended Plant and Landscape Guidelines which shall be maintained by the Zoning Administrator, shall be used.

I. Maintenance

1. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences and walls shall be maintained in good repair.
2. The owner shall be responsible for the maintenance, repair and replacement of all landscaping and screening materials as may be required by the provisions of this Section.
3. Failure to maintain required landscaping, or to adhere to an approved landscaping plan, shall constitute a zoning violation subject to the remedies set forth in this Ordinance.

§ 6.2.4 Waiver or Modification

Provided that the Planning Commission establishes findings of fact that a modification will not have any deleterious effect on existing or planned development of adjacent properties, it may approve a waiver or modification of the requirements of this Section. Such waiver or modification may be approved in the following instances: for an interim use of a duration of less than two years; or where deemed appropriate due to the location, size, configuration or topographic condition of the lot, provided the Planning Commission finds that the purposes of this section will be met.

§ 6.3 Parking and Loading

§ 6.3.1 Intent and Purposes

A. Intent

This section establishes requirements for motor vehicle and bicycle parking, including the minimum number of spaces required by land use.

B. Purposes

1. To ensure that adequate parking spaces are provided in relation to development sites at time of development so that parking does not overflow onto adjoining streets which may not be designed to handle it.
2. To ensure that accommodation is made for bicycle parking.

§ 6.3.2 Off-Street Parking Required

A. Schedule of Required Parking

1. In all districts, space for parking vehicles shall be provided in accordance with the Schedule of Minimum Off-Street Parking Requirements by Land Use set forth in Table 4 of this Ordinance.
2. Subject to approval by Planning Commission, off-street parking requirements may be varied or modified within the Historic District and for designated historic sites without adherence to §6.3.3 of this Ordinance.
3. In the review and approval of site plans and subdivision plats, in an effort to minimize the amount of impervious surface coverage and implement the purposes of this Ordinance, the Planning Commission, or the Zoning Administrator for those projects that fall within his/her review authority, may require that all or some portion of parking surface area and on site driveway surfaces areas be constructed of a pervious surface approved by the Town. Pervious surface parking and driveway areas shall be required within the Critical Area.

B. Minimum Parking Space Area

1. An off-street parking space shall comprise not less than one hundred eighty (180) square feet per parking stall plus necessary maneuvering space.
2. Space for maneuvering incidental to parking or unparking shall not encroach upon any public right-of-way.

TABLE 4 (Part 1 of 2): SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS BY LAND USE

Use	Minimum Required Parking Spaces
Residential	
Single family residential - detached	2/dwelling unit
Single family residential - attached	2/dwelling unit
Two-family, duplex	2/dwelling unit
Accessory Apartment	1/dwelling unit
Multi-family Dwelling	1.5/dwelling unit
Boarders in Residence	1 per boarder plus residential requirement
Group Home, Halfway House	1 per staff plus 1 per 2 residents
Boarding House	1 per unit plus residential requirement
Intermediate Care Institutions	
Day Care Home	1 per staff plus residential requirement
Day Care Center, Day Nursery (30 or fewer people)	3 per classroom
Homeless Shelter	*
Bed and Breakfast, Country Inn	1 per unit plus residential requirement
Home Occupations	1 per employed non-resident plus residential requirement
Home Occupations, such as physician, dentist	2 per doctor plus residential requirement
Institutional	
Schools, elementary, secondary, trade, and vocational, colleges	*
Studios for instruction in dance, art, music, similar	1 per 5 students
Churches and other buildings for religious assembly	1 per 4 seats in main assembly hall
Monasteries, convents	1 per 6 seats in main assembly hall
Lodges, clubs, fraternal organizations	*
Nursery Schools, Day Care Centers (with more than 30 people)	3 per classroom
Libraries, other public administrative and cultural buildings	*
Cemeteries	*
Hospitals, medical clinics and similar centers in excess of 10,000 sf	*
Nursing care institutions, child care institutions	1 per staff plus 1 per 5 residents
Public or non-profit park and/or recreational area	**

TABLE 4 (Part 2 of 2): SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS BY LAND USE

Use	Minimum Required Parking Spaces
Commercial	
Artists, photographer galleries, studios	1 per 500 sf GFA
Retail Shops, including service/repair such as clock, jewelry, repair	1 per 350 sf GFA
Convenience, grocery, department, variety, hardware, dry goods stores	1 per 300 sf GFA
Hotels, motels	1 per unit plus 1 per staff
Personal service shops, barber, salons, shoe repair, dry cleaning	1 per 250 sf GFA
Personal Services such as Health and Fitness Center, Spa	1 per 300 sf GFA
Computer repair shops, small appliance repair, similar	1 per 400 sf GFA
Banks and Financial Institutions	1 per 300 sf GFA
Places of indoor amusement, movie cinema, theater	1 per 4 seats
Professional office	2 per professional
Medical or dental office, clinic or center under 10,000 sf	1 per 250 sf GFA
Business offices, including finance, insurance, real estate	1 per 400 sf GFA
Business services, plumbing shops, contractor shops	1/staff
Building materials, lumber yards, boat and heavy equipment sales, etc.	*
Restaurants, standard	1 per 300 sf GFA
Restaurants, fast food, drive-in, thru	1 per 250 sf GFA
Pubs, taverns, nightclubs, dance halls	1 per 250 sf GFA
Hotels, motels	1 per unit plus 1 per staff
Resorts	**
Shopping Center	**
Small-scale manufacturing and assembly uses, warehousing	1/staff
Animal hospital, veterinarian clinic	1.5 per exam room
Kennel/Cattery	1 per staff
Funeral Parlor	1 per 4 seats in chapel
Marina	0.5 per boat slip
Nursery for plants, greenhouses	*
Private outdoor amusement/recreational activities	**
Filling stations, service stations, automotive repair, full service garage	1 per pump plus 1 per service bay plus 1 per staff
Motor vehicle sales, rental, service	1 per 300 sf GFA
Automotive body shop	1 per service bay plus 1 per staff
Miscellaneous	
Public utility building / facility	*
Temporary Buildings Incidental to Construction	**
Festivals, events of public interest, special events, occasional, outdoor	**

* Minimum parking shall be 1 space per staff plus spaces in number as determined by Town Approving Authority to serve the visiting/resident public.

** Minimum parking shall be established by Town Approving Authority upon review and approval of a site plan and/or zoning permit.

§ 6.3.3 Modification of Parking Requirement

A. Due to Site Conditions

Should the configuration of the lot, the placement of existing conforming structures, or a change of use to a conforming but more intensive use, preclude strict adherence §6.3.2, the Planning Commission, in relation to a Category 1 Site Plan, or the Zoning Administrator in relation to a Category 2 site plan, may modify the parking requirements provided there are findings of facts that:

1. Adequate public off-street parking is available within reasonable walking distance, or;
2. On-street parking is available and adequate and that the parking required by the contemplated use will not materially impede the flow of traffic or preempt existing residential parking; or
3. A written agreement is established and made part of any site plan approval, allowing parking required by the use of an adequate off-street parking lot within a reasonable walking distance.

B. Due to Joint Use of Parking

Where joint use of parking by one or more uses is possible, the Planning Commission, in relation to a Category 1 Site Plan, or the Zoning Administrator in relation to a Category 2 site plan, may modify the parking requirements provided there are findings of facts that:

1. Joint use of parking spaces will not reduce the availability of parking spaces below the minimum required number of spaces required by each use during its peak demand.
2. A written agreement is established and made part of any site plan approval providing for the joint use of spaces.

C. Reduction Due to Lack of Demand

Should the applicant demonstrate and the Planning Commission, in relation to a Category 1 Site Plan, or the Zoning Administrator in relation to a Category 2 site plan, find that a sizeable share of site-related traffic would access the site by bicycle and/or walking, then minimum parking requirements may be reduced.

D. Parking in Front Yards in TND Zone

The use of the required front yard on single-family lots in the TND zone for the parking or storage of motorized and non-motorized vehicles of any kind is prohibited, except where the creation of the lot predates the adoption of this zoning ordinance.

§ 6.3.4 Minimum Bicycle Parking Requirements by Land Use

A. Schedule of Required Parking

Bicycle parking shall be provided in accordance with the following schedule. In all districts, either space for parking and/or storage of bicycles shall be provided or the applicant shall demonstrate that adequate bicycle parking is provided for.

bed and breakfast, hotels, motels	2, or 1 per 25 employees
retail sales, service operations	2, or 1 per 5,000 s.f. gfa
office buildings	2, or 1 per 5,000 s.f. gfa
museums, libraries, similar	4, or 1 per 3,000 s.f. gfa
churches, similar	1 per 50 members
community centers	1 per 250 s.f. gfa
schools	
a) elementary	1 per 10 students
b) middle and high	1 per 6 students
indoor amusement	4, or 1 per 50 seats
restaurants	4, or 1 per 50 seats
other commercial	2, or 1 per 50 employees

B. Waiver or Modification

The Planning Commission may waive or modify the bike parking requirement in the Village Commercial and Village Center District where adequate publicly accessible bike parking is already provided within a reasonable walking distance.

C. Design of Bicycle Parking Spaces

1. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six (6) feet in length and two feet wide, and shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using a chain and padlock, locker, or other storage facilities which are convenient for storage and are reasonably secure from theft and vandalism. The separation of the bicycle parking spaces and the amount of corridor space shall be adequate for convenient access to every space when the parking facility is full.
2. When automobile parking spaces are provided in a structure, all required bicycle spaces shall be located inside that structure or shall be located in other areas protected from the weather. Bicycle parking spaces in parking structures shall be clearly marked as such and

shall be separated from auto parking by some form of barrier to minimize the possibility of a parked bicycle being hit by a car.

3. Bicycle parking spaces shall be located near the entrance of use being served and within view of pedestrian traffic if possible, and shall be sufficiently secure to reasonably reduce the likelihood of bicycle theft.
4. Bicycle parking facilities shall not impede pedestrian or vehicular circulation
5. Racks must not be placed close enough to a wall or other obstruction so as to make use difficult. There must be sufficient space (at least 24 inches) beside each parked bike that allows access. This access may be shared by adjacent bicycles. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least six feet to the front or rear of a bike parked in the facility.
6. Paving is not required, but the outside ground surface shall be finished or planted in a way that avoids mud and dust. Bike parking facilities within auto parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops, poles or other similar features.

§ 6.3.5 Off-Street Loading Spaces Required

A. Loading Area Required

In any zone in connection with every building or part thereof, having a gross floor area of 4,000 square feet or more, which is to be occupied by small-scale manufacturing or assembly, goods display or sales, mortuary, or other uses similarly requiring the receipt and distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building or use, at least one off-street loading space plus one additional such loading space for each 10,000 square feet of gross floor area or major fraction thereof.

B. Dimension of Loading Area

Each loading space shall be not less than ten feet in width, 45 feet in length, and 14 feet in height.

C. Location of Loading Area

Such space may occupy all or any part of any required yard or court, except a front yard. No such space shall be located closer than 50 feet to any lot located in a TND District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence, not less than six feet in height.

§ 6.3.6 Exterior Lighting

A. Lighting Plan

1. An exterior Lighting Plan shall be submitted as part of every Category 1 site plan and major subdivision plat for approval by the Planning Commission.
2. Where a landscaping plan is required, the Lighting Plan shall be incorporated into or overlaid on the required landscape plan and include locations, dimensions, and distances and illumination areas associated with all light fixtures.
3. Light fixtures shall conform to the Town's standards and design specifications.
4. The Lighting Plan shall provide that the illumination area generated from proposed lighting fixtures located on the subject site of the Lighting Plan will not overlap adjoining properties or rights-of-way.

§ 6.4 General Building Design Standards

§ 6.4.1 Purpose and Applicability

A. Purpose

This section is intended to establish the general requirements for the appearance of buildings which are subject to site plan review and approval and through the application of these standards promote and protect a cohesive architectural character within the town.

B. Applicability

These provisions shall apply to all developments in the Town where site plan review is required in accordance with the provisions of Article 2 and shall be enforced through the site plan approval process.

C. Required Submittals

1. All Category 1 site plans and all site plans in the Historic District shall include proposed street front elevations prepared by a licensed architect for all buildings.
2. The Zoning Administrator may require that Category 2 site plan may submittals contain street front building elevations prepared by a licensed architect.

§ 6.4.2 Key Terms: Proportion/Rhythm/Scale

A. Terms

1. Proportion refers to the relationship between width and height of building facades.
2. Rhythm refers to the repetition and space of opening (windows and doors) on individual buildings as compared with adjacent structures. Rhythm also refers to the space of repetitive building masses along a street.
3. Scale: refers to the size (height/width) relationship between adjacent structures. Human scale refers to the comfortable size relationship between buildings and people.

B. Standards

Illustration 4 shows the appropriate and inappropriate application of the basic design standards set for the below.

1. The proportional relationship of individual facades shall emphasize the vertical rather than the horizontal.
2. Large disparities between the height, width, and length of a building shall be avoided.
3. Large blank walls shall be avoided. Buildings shall be designed to support a human-scale environment. One of the windows on each floor may be substituted with another architectural element such as a chimney, door, garage, deck, or other element that creates visual interest and eliminates blank walls.
4. Buildings and accessory structures shall be compatible with neighboring buildings and structures in terms of height, proportion, rhythm, and scale.
5. All of the design elements of a building shall maintain the same architectural style in terms of proportion, rhythm, and scale as the overall style of the building.
6. Buildings shall be designed to promote a pattern of closely spaced buildings with multiple entrances.
7. Rooftop and exposed mechanical electrical equipment shall be screened from view. Screening shall be architecturally integrated with buildings.
8. Building Orientation: buildings and their main entrances shall face the front yard on the lot.
9. In new construction, the roof of buildings should conform to the predominant orientation of roofs on the street.
10. Neighborhood context should dictate the choice of materials for exterior of buildings. Standards on exterior building materials are contained in the Town's Architectural Standards.

§ 6.4.3 Modification

The Planning Commission, in relation to a Category 1 Site Plan, or the Zoning Administrator in relation to a Category 2 site plan, may modify the requirements of this Section provided there are findings of facts that the modification will not have any deleterious effect on existing or planned development of adjacent properties, and where deemed appropriate due to the location, size, configuration or topographic condition of the lot, provided the Planning Commission finds that the purposes of this Section will be met.

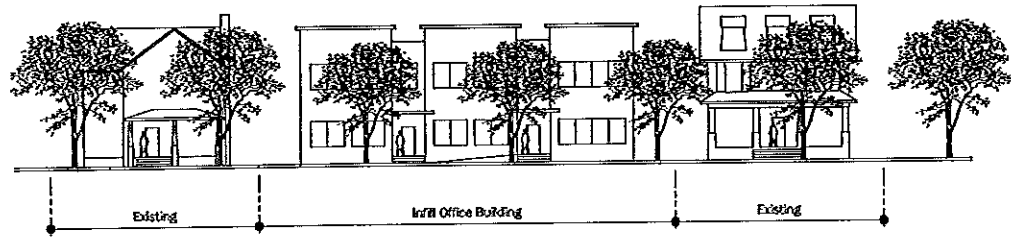
Illustration 4

Office Building Notes:

New Building and Street Trees reinforce street rhythm

Facade and Roof broken down into smaller units

Multiple entries



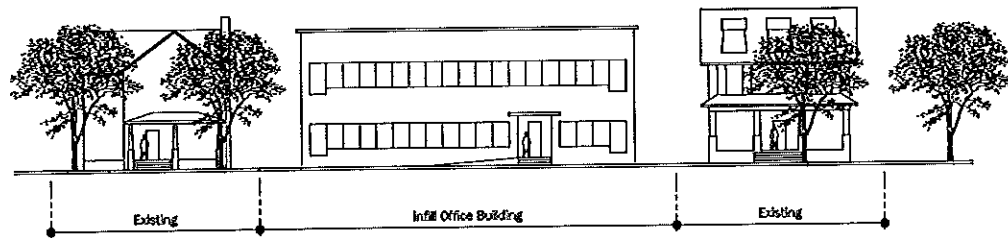
Appropriate

Office Building Notes:

Contrasting Proportion, Rhythm and Scale of Building and lack of Street Trees disrupt street rhythm

Facade and Roof undifferentiated

Single entries in a relatively long facade



Inappropriate

§ 6.5 Signs

§ 6.5.1 Purpose and Applicability

A. Purpose and Applicability

The regulations established by this Section are intended to appropriately limit the placement, type, size, and number of signs allowed, and to require the proper maintenance of signs. The purposes of these limitations and requirements are to:

1. Ensure that signs safely attract and direct persons to various destinations;
2. Protect public and private property values and investment;
3. Reduce hazards to motorists and pedestrians which result from excessive, confusing, and distracting signs; and
4. Preserve and enhance the aesthetic and historic quality of the community.

B. Applicability

1. Any sign erected, placed, attached, altered, reconstructed, or modified shall conform to this Section.
2. Existing signs shall not be altered or moved unless in compliance with this Section.

§ 6.5.2 Administration

A. Sign Permits and Sign Programs

1. No sign shall be installed, constructed, or altered unless a Sign Permit and, or where applicable, a Sign Program, approval is first obtained in compliance with this Section, or the sign is allowed without Sign Permit approval as provided in §6.5.4.
2. After approval of a Sign Permit and/or Sign Program, each sign installed and maintained on the subject site shall comply with the Permit and Program.

B. Sign Permit Application

An application for a Sign Permit shall be prepared and filed with the Zoning Administrator.

C. Application Contents

The application shall include required application fees, architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted. At the discretion of the Zoning Administrator, it shall include illustrations of all proposed colors and materials or samples of the proposed colors and materials. The plans submitted shall also show the location of each sign on buildings and/or the site.

D. Sign Permit Review Authority

The Zoning Administrator shall review and approve or deny all Sign Permit applications for signs located outside of the Historic District. Within the Historic District, the Historic District Commission shall review applications for sign permits and adopt and file with the Planning Commission certificates of approval or rejection. The Planning Commission shall consider the Historic District Commission certificate in its review and approval or denial of a permit. The review authority may require conditions of approval as are reasonably necessary to achieve the purposes of this Section.

E. Sign Programs

1. A Sign Program shall be required for any multiple occupancy commercial, professional, industrial, residential, or institutional sites; or separately identifiable building group, such as a medical complex or shopping center; or an individual site of at least one acre in size or with a proposed development exceeding 10,000 square feet of total building space.
2. The Purpose of the sign program shall be to establish signing for all tenants and users of a complex, center or development site. An approved Sign Program shall prescribe the standards for all signs within the area coverage by the Program including size, number and types of signing permitted.
3. A Sign Program shall be approved by the Planning Commission. Within the Historic District, prior approval of the Historic District Commission shall be required.
4. A Sign Program shall comply with all provisions of this Section and is not intended to provide special or additional signing.

F. Permit and Program Findings for Approval

The approval of a Sign Permit or Sign Program shall require that the review authority first make all the following findings:

1. The proposed sign(s) do not exceed the standards of this Section, and as applicable, are of the minimum size and height necessary to enable motorists and pedestrians to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
2. The proposed signs are in substantial conformance with the design criteria as may be maintained by the Town.

G. Approval Period and Expiration

A Sign Permit or Program approval shall expire one year from its date of issuance, unless the sign or signs have been installed within the period or a later expiration date is stated in writing at the time of approval.

H. Sign Design Guidelines

The Zoning Administrator may maintain guidelines for applicants for Sign Permits and Sign Programs regarding the placement, appearance, design, and construction materials and may use such guidelines to assist applicants in complying with the purpose and provisions of this Section.

§ 6.5.3 Prohibited Signs and Signing

A. In Relation to Location

1. No signs shall be attached to utility poles, traffic signal poles, traffic control posts/signs, rocks, or trees visible from the public right-of-way whether on public or private property.
2. Except for official public way-finding signs and official directional, safety or traffic signs, no sign whether temporary or permanent shall be placed within any public rights-of-way within the Town.
3. No sign shall be located which will interfere with traffic visibility along the right-of-way of any street or along any private driveway existing or entering a site or on any slope or drainage easement of a street.
4. No signs shall be located on or above any part of a roof structure.

5. No sign shall be located above the first floor on a building except in the Village Commercial, General Commercial, and Marine Commercial districts upon approval of the Zoning Administrator or the Planning Commission. Applications for signs located above the first floor which are located in the Historic District shall be reviewed by the Planning Commission only after first obtaining a certificate of approval from the Historic District Commission.
6. No sign may be painted directly on any wall or roof of a building or on a fence visible from the public right-of-way.

B. In Relation to Sign Character

1. No sign shall project any intermittent, light emitting diode, or flashing illumination except for official public road or street signs intended to promote traffic safety.
2. Pennants, streamers, moving, flashing, windblown and all other fluttering, spinning, or similar type signs which includes strings of light bulbs, balloons or other inflated objects are prohibited.
3. No flashing or rotating signs shall be permitted.
4. Except for official traffic signs, no sign shall be displayed, visible from the public right-of-way, which uses the words “stop” or “danger” or that implies a need for or requirement of stopping or the existence of danger.
5. Signs that are obscene, illegal, hazardous to traffic, imitative of official government signs: (i.e., Stop, Danger, Caution, etc.) or obstructive to public visibility, so as to create a hazard to the public are prohibited.
6. Signs, attached to a parked motor vehicle, exceeding 12 square feet in area or the maximum allowable height for freestanding signs in the zoning district shall be prohibited. Signs attached to a motor vehicle which exceed four square feet but are less than 12 square feet are allowed only under the following conditions:
 - a. The vehicle is a registered, tagged, and operable vehicle and is parked in an approved parking space associated with the physical address of the sign applicant
 - b. The area of the sign attached to a motor vehicle shall count against the allowable sign area and/or total number of signs for the site on which the vehicle is legally parked.
7. Billboard signs are prohibited.

C. In Relation to Safety, Condition and Neglect

1. No sign shall be permitted which becomes unsafe or endangers the safety of a building, premise, or person. The Zoning Administrator shall order such signs to be made safe, to be repaired, or to be removed and such order shall be complied with within seven days of the receipt of such order, unless the condition is such that a shorter compliance period is required for public safety considerations.
2. No sign shall be permitted to remain which through damage, disrepair or lack of maintenance has become impaired in its functionality or blighted in its appearance. The Zoning Administrator shall order such sign to be repaired, replaced, or removed and such order shall be complied with within 45-days of the receipt of such order.
3. Failure to comply with the Zoning Administrator's order provided for in paragraphs 1 and 2 above shall result in the loss of any legal non-conforming status which may exist for the sign and require the sign to be removed and/or to come into compliance with this Code.
4. When a sign structure does not include a sign for a period of 90 consecutive days, such sign structure shall be deemed a violation and shall be removed.

§ 6.5.4 Signs Permitted Without Permit

A. No Permit Required

The following signs are permitted without obtaining a Sign Permit or Sign Program approval subject to conditions set forth below:

1. Official traffic and parking signs provided they are erected by a governmental agency.
2. Temporary signs provided the following conditions are adhered to:
 - a. The sign is no larger than 20 square feet in area and 8 feet in height, except that on lots in residential use in the TND district, no temporary sign shall exceed 4 square feet or 5 feet in height.
 - b. A zoning lot shall not display any temporary sign for more than 60 days in a year.
 - c. In the TND district, no more than two temporary signs shall be permitted at the same time on a given property except on properties displaying at least one legal non-temporary sign. In such a case, the property shall be limited to only one temporary sign at a time.
 - d. In residential districts, temporary signs shall not be illuminated.

4. Within the Commercial, Marine Commercial, Village Commercial, and Village Center districts, one placard, easel-type, sandwich-board or A-frame type sign per street frontage provided the following conditions are met:
 - a. The sign shall not to exceed six square feet if one-sided (12 square feet if double-sided), or 4.5 feet in total height and two feet in width.
 - b. The sign shall not impede pedestrian traffic or motor vehicle visibility, shall be removed before nightfall, and if posted along a road with speed limits greater than 35 miles per hour, it shall be placed at least 60 feet from the street right-of-way.
 - c. Sandwich-board signs to be located within the Historic District to be placed on a public sidewalk shall require the issuance of a Sign Permit.
5. In Commercial and Marine Commercial districts, one sign associated with the opening of a development provided:
 - a. It is no greater than 100 square feet in size and no greater than 8 feet in height.
 - b. It is removed within 6 months of its installation. Reinstatement of the sign for up an additional 6-month period following the initial 6-month period shall require a Sign Permit. Only two extensions shall be allowed.
6. In the TND, Village Center, and Village Commercial, and RC districts, one sign associated with the opening of a development provided:
 - a. It is no greater than 32 square feet in size and no greater than 8 feet in height.
 - b. It is removed upon the dedication of associated public streets and/or utilities or within one year of its installation. Reinstatement of the sign for up to one one-year period following the expiration shall require a Sign Permit.
7. One portable sign that is in no way permanently affixed or installed in or to the ground or any structure provided the following conditions are adhered to:
 - a. It is no greater than four square feet in area and four feet in height.
 - b. It is located no closer than eight feet from any adjoining lot and ten feet from a public right-of-way.
 - c. It is not illuminated.
 - d. In zoning districts where total allowable sign area is limited by this Section, the area of this sign shall be included when calculating the maximum allowable sign area.
 - e. In zoning district where the total number of signs is limited by this Section, this sign shall be included when calculating the maximum number of signs.

8. Signs accessory to parking lot uses provided the following conditions are adhered to:
 - a. Signs designating entrances and exits shall be limited to one sign per entrance and one per exit and neither sign shall exceed two square feet in area.
 - b. One additional sign limited to a maximum area of nine square feet is permitted which may be used to set forth conditions of use or identity the ownership of the parking area.
 - e. No such sign shall exceed seven six in height.
9. Commemorative plaques. Signs commemorating an historical building, its name register and/or erection date, when cut into or affixed to a permanent surface and not exceeding four square feet per building.
10. Interior signs. Signs located in excess of five feet inside and away from exterior windows, walls or doors of any building, mall, court, stadium or enclosed lobby, when such signing is intended for interior viewing.
11. Street number, address, and/or name. Two such signs for each building not exceeding one square foot each in the TND district and three square feet each in all other zoning districts are allowed without a Sign Permit.
12. On-site directional signs and notices. Signs showing the location of public facilities within a site such as public telephones, restrooms, and underground utilities are allowed without a Sign Permit.
13. Official on-site legal notice signs required by public hearing notification, zoning or other applications for Town approval as may be required by Town Code.
14. Window displays and signs. Signs erected or suspended in the interior of a structure to be viewed from the outside provided the following conditions are adhered to:
 - a. No more than 50 percent of the window area is covered in signing.
 - b. The area of window signing shall be included in the count of maximum allowable sign area and sign number for the site.
 - c. No such sign shall be an internally lighted sign.

B. Non-Permit Signs Not Exempt from Regulations

While the above listed signs are permitted without a Sign Permit, each must still be in compliance with the terms of this Ordinance. Signs installed with or without a permit, in conflict with the terms of this Ordinance are in violation and or subject to the penalties here.

§ 6.5.5 General Sign Standards

A. Standards are Maximum Allowable

The dimension requirements provided in this Section represent the maximum size or area or distance allowed. Nothing in this is Section shall be deemed to imply that these regulations confer a right to the maximum.

B. Computations of Area and Height

1. Area

- a. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this Ordinance and is clearly incidental to the display itself.
- b. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.

2. Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

3. Sight Visibility

- a. No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit.

- b. A sight visibility triangle shall be kept free of obstructions to vision between the heights of two and one-half feet and twelve feet above the street.

C. Illumination/ Lighting of Sign

Except within the General Commercial (C) and Marine Commercial (MC) Districts, no internally lighted signs shall be permitted within Town. Where illumination of a sign is permitted, it shall be permitted only by indirect means external to the sign face.

§ 6.5.6 Sign Standards Specific to the TND District

Signs permitted in the TND district shall be limited by the following:

A. For Public, Open Space, Institutional uses, Public Assembly, and Multiple Family Uses

1. One freestanding sign is permitted, per road frontage meeting the following standards.
 - a. Maximum sign area is 32 square feet per sign face.
 - b. Maximum sign height is six feet.
 - c. Maximum distance from any other zoning lot is eight feet
 - d. One Wall Mounted Sign is permitted with maximum letter height of 30 inches.
2. No sign shall project into or over a public right-of-way.

B. Subdivision or Community Entrance Signs

1. One sign not exceeding 12 square feet may be located at each street entrance.
2. The maximum sign height allowed for Subdivision or Community Entrance is six feet.

C. Home Occupations, Home Day Care, Bed and Breakfast Uses

1. One freestanding sign per lot is permitted.
2. Maximum sign area shall be four square feet.

3. Maximum freestanding sign height shall be four feet.
4. Maximum distance from a property line lot shall be ten feet.
5. One wall-mounted plaque or nameplate sign is permitted provided it does not exceed two square feet in size and is made to be compatible in appearance with the building.

§ 6.5.7 Sign Standards Specific to All Districts, Except TND

A. Freestanding Sign

1. One freestanding sign is permitted per site. An approved Sign Program may provide for an additional freestanding sign when a lot exceeds five acres in size or has two public street frontages.
2. Freestanding signs shall not be located within parking lots. The area of freestanding signs shall not exceed 30 square feet. The base of the freestanding sign shall be solid and designed as an architecturally integrated element of the sign.
3. The base of all freestanding signs shall be set back a minimum of ten feet from any property line. No part of a freestanding sign shall be located within or overhang into a public or private right-of-way, sidewalk, or adjoining property.

B. Attached to Building

Signs attached to a building shall not project more than 38 inches from the face of the building and shall have a minimum clearance of eight feet above the ground/sidewalk.

C. Window Signs

Window displays and signs. Signs erected or suspended in the interior of a structure to be viewed from the outside provided the following conditions are adhered to:

1. No more than 50 percent of the window area is covered in signing.
2. The area of window signing shall be included in the count of maximum allowable sign area and sign number for the site.

D. Maximum Height

1. Wall mounted signs shall be no higher than the second floor window sill on a building.

2. Freestanding signs shall not exceed a maximum height of six feet.

E. The Maximum Allowable Area

1. The maximum allowable area for all signs on a site shall be computed as 2.0 square feet per linear building frontage up to a maximum allowable area of 170 square feet except as noted below:
 - a. Buildings in excess of 100 square feet in length may be permitted an additional 1.0 square foot of sign area for each linear foot of building frontage above 100 square feet.
 - b. Each additional building frontage facing a street or parking area may have up to 0.5 square foot of sign area per linear foot of road frontage but such additional sign area may only be used on that side of the building frontage.

F. Special Standards by Sign Type

1. The area of wall-mounted signs shall be limited as follows:
 - a. No single wall mounted signs shall exceed 30 square feet in area.
 - b. Notwithstanding the above standard, in no district shall one wall mounted sign exceed seven percent of the total area of the face of the building wall inclusive of windows and door openings.
2. One marquee sign is permitted provided the sign area for the site does not exceed the maximum allowable sign area in that district.

§ 6.5.8 Sign Standards Specific to Historic District

A. Historic District Commission to Approve

In addition to the requirements of the underlying zoning district, within the Historic District the following specific limitation on signs shall apply:

1. A certificate of approval from the Historic District Commission is required for all new signs and existing signs that are to be altered in size, shape, and location.
2. Applicants for sign permits in the Historic District should refer to the Historic District Commission's design guidelines for signs.

B. Compliance Upon Addition to Historic District

Upon the inclusion of additional areas within the Historic District, all signs shall comply with this section within two years from the date the area is included within the Historic District.

§ 6.5.9 Non-Conforming Signs

A. Zoning Administrator to Enforce

The Zoning Administrator shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of the adoption of this Zoning Code. Such a sign does not qualify as a non-conforming sign.

B. Non-Conforming May Continue

Signs existing at the time of the adoption this Section and not conforming to its provisions, but which did conform to previous laws, shall be regarded as nonconforming signs and these may be continued if properly maintained and repaired as provided in this Section except as provided below.

1. The structure, sign face, or accessories of a nonconforming sign shall not be altered, modified, changed, reconstructed or moved without bringing the sign in all respects into compliance with this Section, provided, however, that nothing herein shall prohibit the normal maintenance or repair of any nonconforming sign.
2. Under this Section, a sign is inseparable from and intrinsically a part of the land use and activity of the property on which it is located. Therefore no site plan for any property shall be approved unless it provides that all existing non-conforming signs and new signs are made to conform to the provisions of this Section.

§ 6.5.9 Administrative Adjustment of Sign Regulations

A. Adjustments

The Zoning Administrator may, upon application, administratively adjust the limitations for signs in the specific instances according to the procedures of §2.2.4 of this Ordinance. An adjustment of up to ten percent to the limitations set forth in this Section with respect to the following dimension criteria is allowed: allowable sign area, height, and distance of permitted projection, setback of sign and/or, distance from other zoning lots.

B. Findings

The Zoning Administrator may only approve an administrative adjustment upon establishing the following findings:

1. The adjustment is needed to resolve a practical difficulty unique to the property.
2. The adjustment is the smallest necessary to grant relief of the practical difficulty.
3. The adjustment shall in all other manners comply with the purposes and requirements of this Section.

§ 6.5.10

Violations

A. Unlawful signs

Any sign placed in public view for which no Sign Permit has been issued, and that is not otherwise exempted from the permit requirement of this Section, is unlawful. No person shall install, place, or maintain an unlawful sign and no person shall allow, or permit the installation, placement, or maintenance of an unlawful sign on property owned by the person. The Zoning Administrator shall enforce the provisions of this Section.

B. Removal of Unlawful, Temporary or Portable Signs

1. The Zoning Administrator may remove, or cause the removal of a temporary or portable sign that is constructed, placed, or maintained on publicly owned or private property in violation of this Section or other provisions of the Town Code.
2. A sign removed by the Zoning Administrator in compliance with subsection B.1 or B.2, shall be stored for a period of 15 days from the date written notice of such storage is given. If not claimed within that time period, the sign may be destroyed. Prior to the release of any stored sign, the owner shall pay a fee of \$150.00, or other amount as the Town Council, by resolution, may authorize, to the Town to defray a portion of the expenses of removing, storing, and handling the unlawful sign.
3. Notice of the storage of a sign to be given in compliance with Subsection B.3 may be given by first class mail or personal delivery to the apparent owner of the sign as ascertained from the sign itself or from other information that has been obtained by the Zoning Administrator.
4. The notice shall briefly describe the sign and what is on its face, and shall state the sign has been stored by the Town and that it will be released to the owner, upon satisfactory proof of ownership and the payment of the fee, during a stated 15-day period.
5. The notice shall state where the owner may obtain the release of the sign and contain such other information as the Administrator deems necessary or helpful.
6. Notice is deemed given on the date the notice, addressed to the apparent owner, with first class postage affixed thereto, is placed in a mail depository of the U.S. Postal Service or personally delivered to the owner or to the owner's office or home. If no apparent owner and/or no address of the apparent owner can be ascertained from the sign or other information obtained by the Zoning Administrator, no notice need be given in compliance with this Subsection, but the sign shall be stored for at least 15 days from the date it is placed in storage before it may be destroyed.

Article 7

Community Design Standards

§7.1 Adequate Public Facilities

§7.1.1 Basic Requirements

In addition to the special standards and requirements contained in this Ordinance, the following minimum conditions shall exist prior to approval of any major or minor subdivision, whether such facilities are provided by the developer, a utility, or the Town of Chesapeake City. The Planning Commission may disapprove any subdivision if it finds that any one public utility, facility, or service is not adequately provided in the proposed subdivision, including but not limited to adequate public sewer and water.

A. The following shall be minimum standards for utilities:

1. Every subdivision shall be provided with a proper telephone and electric system.
2. Public Water
 - a. Every subdivision shall be provided with complete public water distribution system adequate to serve the area being developed with pipe lines, valves, fire hydrants and other water facilities as required.
 - b. There shall be capacity in the water supply, treatment, and distribution system to serve the subdivision while accounting for the demand created by all existing lots and all approved but as yet unconnected lots.
3. Sewer Services
 - a. Every subdivision shall be provided with the sewer disposal system and facilities approved by the Health Department, the appropriate State agency, and the Town.
 - b. There shall be capacity at the wastewater treatment plant to accommodate the demand of the subdivision while accounting for the demand created by all existing lots and all approved but as yet unconnected lots.
4. Easements for new or for the continuations of existing utilities shall be provided for all subdivisions with the width and other characteristics as required by the Town and appropriate jurisdiction.
5. Every subdivision shall be provided with the satisfactory drainage and management of stormwater which conforms to the local, County, State and or federal requirements. Maintenance of stormwater management structures, ponds, or devices located outside of the public right-of-way shall be the responsibility of the property owners or developer of the subdivision or property unless this requirement is specifically waived by the Town.

6. The Planning Commission shall review each proposed subdivision to determine whether it is served by proper community access streets, sidewalks and bikeways.
7. The Planning Commission shall review each proposed subdivision to determine whether it is served by adequate open space, park, and recreational amenities.

7.1.2 Open Spaces, Parks, and Recreational Requirements

A. Minimum Recreational Area

All residential developments shall provide, at a minimum, recreational areas in an amount equal to 0.005 acres per dwelling unit but not be less than 5,000 square feet.

B. Fee In-Lieu

The Town Council may require payment of a fee in-lieu, dedication, reservation or a combination whenever upon the Planning Commission's finding that the requirement in paragraph A above cannot adequately meet open space and recreation needs of the development or if the development is less than 30 homes or within 1,500 feet from another park or playground. The fee in-lieu shall be on a per-dwelling-unit basis. The fee shall be listed with the annual schedule of fees for the Town. Fees will be collected upon application for a building permit. The Town shall deposit fees in a designated account with funds expended only for park and recreation facilities.

C. Enhance Requirements for Large Developments

For developments with over 50 dwelling units, the Planning Commission may require a combination of improved park and recreational land and playgrounds, at the minimum rate of 0.015 acre per dwelling unit.

D. Dedication

When park or recreational facilities approved for dedication are completed and accepted, a deed shall be conveyed to the Town of Chesapeake City, after which the supervision and maintenance shall be the responsibility of the Town. When park or recreational facilities are reserved, the developer shall establish conditions as to ownership, maintenance, and use of such areas as deemed necessary by the Planning Commission to assure preservation of its intended purposes.

§ 7.2 Streets

§ 7.2.1 Street Classification and Typical Sections

A. Constructed to Town Specifications

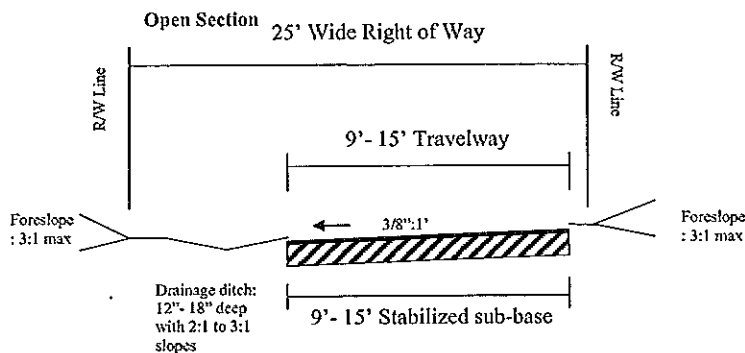
All streets, curbs, sidewalks, trails, bikeways, street lights, and street trees shall be constructed and/or installed to the design and construction specifications of the Town of Chesapeake City. The developer shall be required to repair damage to any portion of the Town right-of-way or the area to be dedicated to the Town as a result of grading or construction activities in his or her subdivision.

B. Street Typical Sections

In all new subdivisions, streets that are dedicated to the public use shall be classified and designed as provided below in the typical street sections

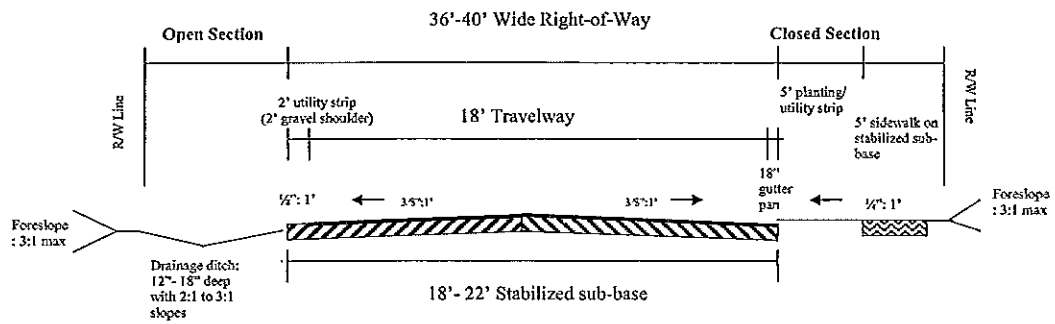
1. Alley: A street whose function it to provide access to the rear of abutting properties. It is intended to serve less than 200 average daily trips.

Alley Typical Section

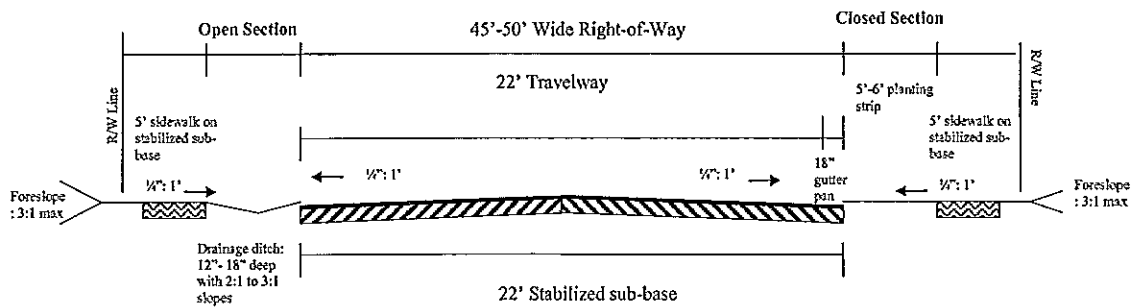


2. Residential Lane: A street whose function is to provide access to abutting properties. It is intended to serve less than 200 average daily trips.

Residential Lane Typical Section

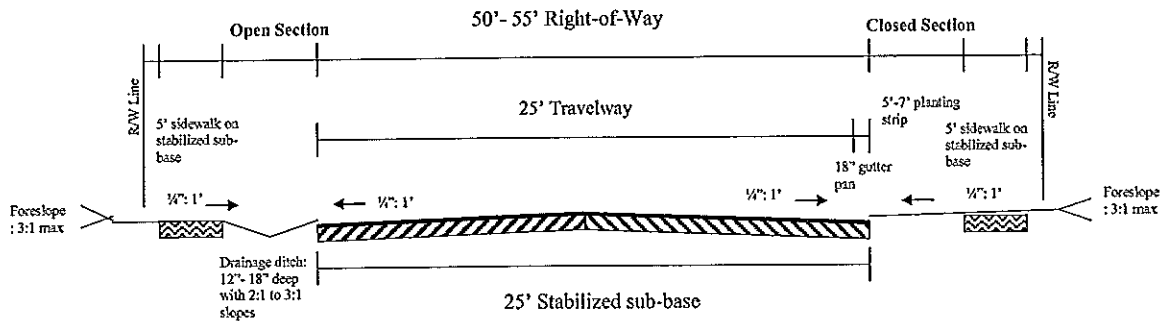


3. Secondary Residential Street: A street whose function is to primarily provide access to abutting property but may connect to other residential streets or lanes. It is intended to serve less than 400 average daily trips.



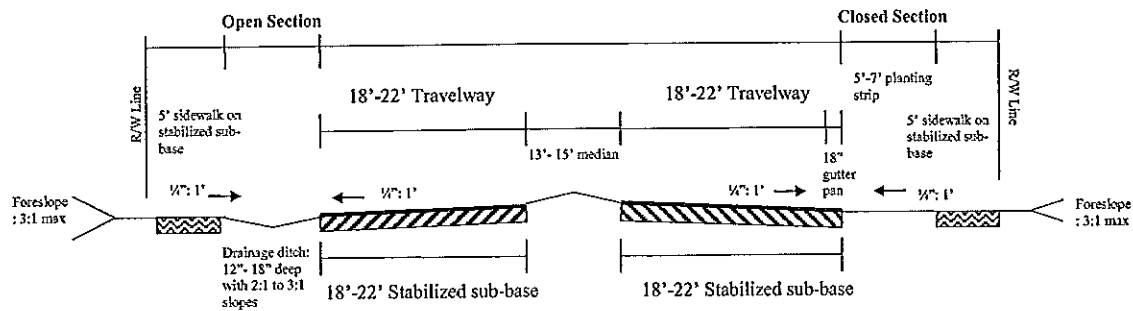
4. **Primary Residential Street:** A street whose function is to provide access to abutting property and circulation through a neighborhood. It is intended to serve between 400 and 1,500 average daily trips.

Primary Residential Typical Section



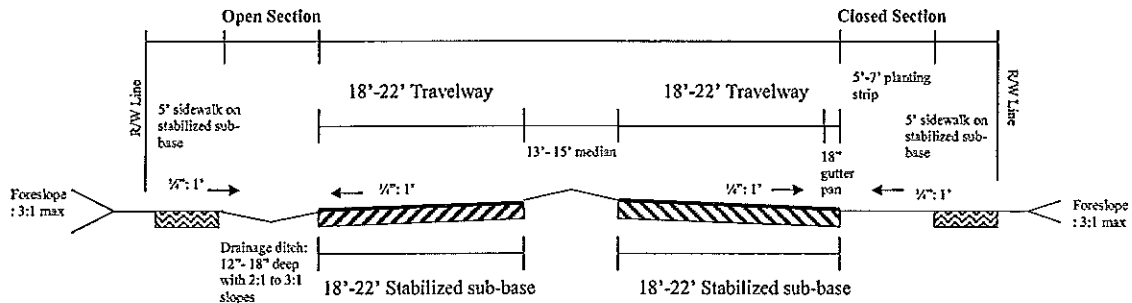
5. **Boulevard:** A street whose principal function is to carry traffic between collector and residential streets and features a broad landscaped median or to function as a collector. It is intended to serve less than 4,000 average daily trips.

Boulevard Typical Section



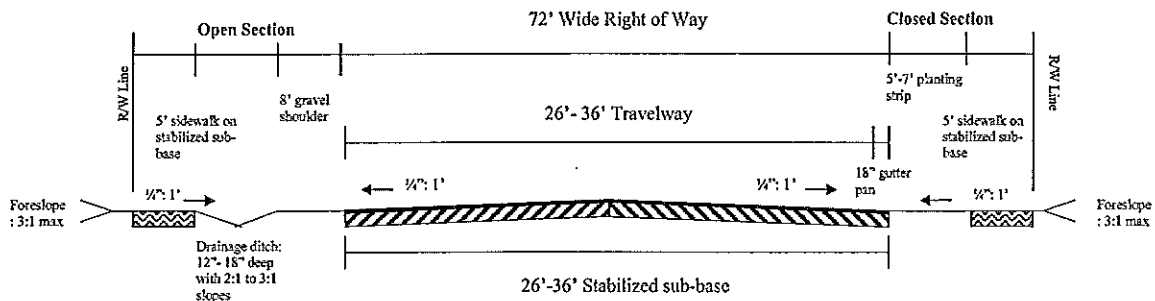
6. Secondary Commercial Street: A street whose function is to access abutting commercial uses. It is intended to serve less than 2,000 average daily trips.

Secondary Commercial Typical Section

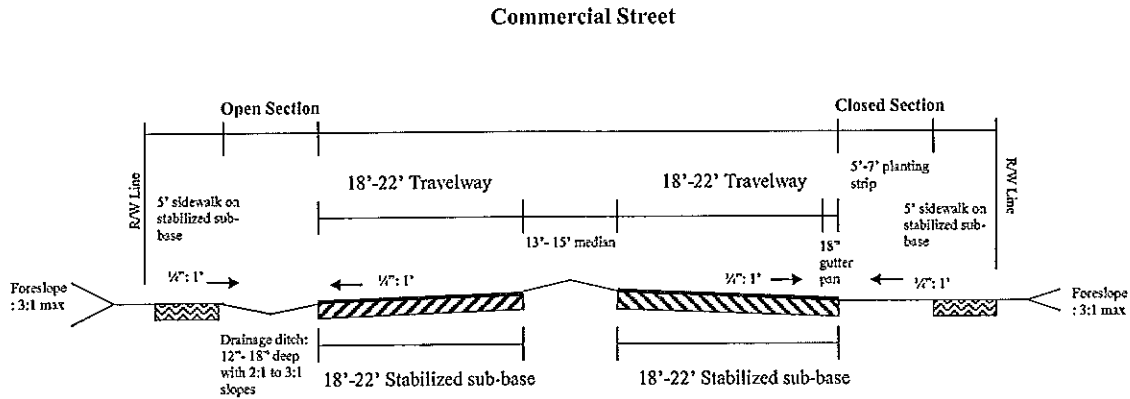


7. Primary Collector Street: A street whose principal function is to collect traffic from development areas and local streets and convey it to/from arterial highways. It is intended to carry more than 2,000 average daily trips.

Primary Collector Typical Section



8. Commercial Street: A street whose function is to provide access to abutting commercial properties and to allow parking on both sides of the street. It is intended to serve more than 2,000 average daily trips.



B. Modifications May be Required

Wider widths of right-of-way may be required by the Town to address unusual drainage and traffic situations, to promote the development of aesthetically pleasing streets, to accommodate pedestrian and/or bicycle travel, or to otherwise to implement the Town's Comprehensive Plan. Modifications may be required to provide bio-retention practices within the street right-of-way.

C. Modifications May be Approved

Upon request, the Planning Commission may grant minor modifications to the required typical sections upon receiving a favorable recommendation from the Town Engineer and upon establishing written findings that any such change is consistent with the purposes of this Ordinance. The Planning Commission may place reasonable conditions on any such modification so as to protect public health, safety and welfare.

§ 7.2.2 Street Layout

The following provisions shall apply to the lay out and arrangement of public streets in developments.

A. Street Arrangement

1. The street system shall be designed to follow existing topography minimizing cut and fill. Streets shall conform as closely as possible to the original topography. The maximum grade of a street shall be six percent however in no case may a street be constructed with grade that, in the professional opinion of the Town Engineer, creates a danger to public safety.
2. The arrangement of streets shall conform to the Comprehensive Plan or Official Map of the Town of Chesapeake City. For streets not shown, the subdivision should provide for the extension of existing streets.
3. Whenever a tract to be subdivided adjoins or encompasses any part of a street, road, trail or other public way, so designated in the Comprehensive Plan, such part of that public way shall be platted and dedicated to the Town.
4. Residential lanes and secondary streets shall be arranged to discourage through traffic.
5. Residential lanes and streets shall be arranged so as to manage the speed and volume of traffic in residential neighborhoods using traffic calming methods that encourage speeds of 25 mph or less. They include chokers, curb extensions, and lane reduces; islands and medians; traffic circles and roundabouts; texture crosswalks; curving alignments, short blocks, full and partial closures, diverters, and required turns.
6. When a major subdivision plat includes only part of the tract owned by the developer or owner of the tract under review, the layout of the proposed streets if applicable for the entire tract shall be submitted for Planning Commission approval concurrent with subdivision plat review.

B. Block Dimensions

1. No Residential Lane, or Secondary or Primary Residential Street shall exceed 500 feet without intersecting another street or lane except as provided below.
2. The intersections of residential streets and lanes with Collector Streets, as designated in the Comprehensive Plan, shall occur at safe and convenient locations, preferably at Tee intersections, but generally should be spaced at least 1,320 feet apart.
3. No residential block shall be less than 200 feet in length.

C. Street Intersections

1. Streets should intersect as nearly as possible at right angles but variations on this are permitted where turning movements are to be restricted as part of a planned street system. No more than two streets should intersect at any one point unless the Town Engineer certifies that such an intersection can be constructed with no extraordinary danger to public safety.
2. Wherever possible, proposed intersections along one side of a street shall coincide with existing and proposed intersections on the opposite side of such street. In any event, where a center offset (jog) occurs at an intersection, the distance between center lines of the intersection streets shall not be less than 300 feet except where the intersecting streets and the intersected street are secondary residential streets or residential lanes; in such case the distance between center lines of the intersection streets shall not be less than 200 feet.
3. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,320 feet or otherwise in conformance with the Maryland State Highway Administration criteria. Any site plan or subdivision with proposed access to a State Highway must obtain State Highway Administration access permit approval prior to receiving final approval from the Planning Commission.
4. The maximum grade through an intersection shall be five percent.

D. Circulation

1. The street system shall be designed to permit the safe and orderly movement of traffic, to favor accessibility and mobility of pedestrians over that of motor vehicles, to meet the needs of present and future population served, to respect natural features, prominent views and topography, and to have a logical pattern built largely on a rectilinear grid.
2. Residential streets shall be designed to discourage through traffic except where the residential street may be classified as a Collector Street.
3. The street system of a subdivision shall be coordinated and connected with existing, proposed and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots as provided in this section.
4. Pedestrian Accessibility
 - a. Except for lots on streets existing prior to June 1, 2010, every new residential lot created shall be within 600 feet walking distance from a recreational open space.

- b. Except for lots on streets existing prior to June 1, 2010, every new lot shall front onto a sidewalk which shall be a minimum of 5 feet in width and constructed to the construction specifications of the Town. In new subdivisions, sidewalks shall be installed concurrent with street installation.
- c. In the Village Commercial district, sidewalks in mix use or commercial areas shall be a minimum of 10 feet in width.
- d. To the extent practical, any new sidewalk network shall directly connect to the sidewalk network existing and planned at the time the final subdivision plat is submitted for approval.
- e. Whenever the Planning Commission finds a means of pedestrian access is necessary from a subdivision or from any un-subdivided residential development to schools, parks, playgrounds, other streets or pedestrian facilities, or any other center of activity and that such access is not conveniently provided by sidewalks adjacent to the streets, it may require the developer to provide additional sidewalks and/or trails and secure and improve unobstructed easements for pedestrian travel of at minimum of 10 feet in width.
- f. In all un-subdivided developments. Sidewalks shall be provided linking together all dwelling units, offices, stores and other activities centers as applicable including parking lots and recreational areas and facilities.
- 5. Bikeways shall be provided along all Collector Streets designated in the Comprehensive Plan at time of development. The location and alignment shall be determined upon subdivision concept plat review.

E. Street Names

- 1. Street names shall be proposed by the developer subject to the approval of the Town and the Cecil County Emergency Services. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the Town and the fire company's jurisdiction, regardless of the use of different suffixes.
- 2. A variety of suffixes may be approved by the Town such as street, avenue, or boulevard. However, the following street naming suffix criteria shall be followed where they would apply:
 - a. Alley, for a street built to the alley typical section provided in this Ordinance.
 - b. Circle, for a short street that returns to itself.
 - c. Court or place, for a cul-de-sac or dead end street.

- c. Lane, for a street built to the Residential Lane typical section provided in this Ordinance.
- d. Loop. For a street that begins at the intersection with one street and circles back to end at another intersection with the same street.

F. Utilities

- 1. Utilities installed in the Town shall conform to the design and construction specifications of the Town of Chesapeake City.
- 2. Where topography, maintenance and facilities management considerations, or any other considerations are such as to make it impracticable or unfavorable for the Town to have utilities or drainage facilities within a street right-of-way, perpetual unobstructed easements for such utilities shall be provided across property outside the street right-of-way of at least 10 feet in width. Such easements shall be provided prior to final plan or plat approval.

§7.3 Administrative Provisions for New Developments

§ 7.3.1 Dedication and Acceptance of Streets and Facilities

A. Offer of Dedication

Unless the recorded plat of a subdivision clearly shows a street to be private the recording of such plat shall constitute an offer of dedication of such street.

B. Acceptance

The approval of a final subdivision plat shall not be deemed to constitute or imply the acceptance by the Town of any street shown on said plat. Acceptance of streets by the Town occurs only after all public improvement has been completed in accordance with the Chesapeake City design and specification manual and/or any other town specifications. The Town shall inspect all such facilities and improvements.

- C. Storm water management facilities, open spaces and other amenities not within public rights-of-way or on land planned to be dedicated to the Town will not become the maintenance responsibility of the Town of Chesapeake City. The applicant for development approval shall propose, as part of the site plan or subdivision plat approval, the entity which shall be responsible for ongoing maintenance.

§ 7.3.2 Bonding and Guarantee of Public Improvements

A. Town Bonding Procedures

Bonding procedures and requirements including inspection procedures and surety release procedures shall be as specified by the Town.

B. Protection Against Defects

1. Whenever occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, then the performance bonds or the surety that is posted shall guarantee that any defects in such improvements or facilities that appear within one year after the dedication of such facilities or improvements is accepted shall be corrected by the developer.
2. Whenever all public facilities or improvements intended for dedication are installed before occupancy, use or sale is authorized then the developer shall post a performance bond or other sufficient surety to guarantee that he will correct all defects in such facilities or improvement that occur within one year after the Town has taken title to or possession of the public facilities and/or improvements.